



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

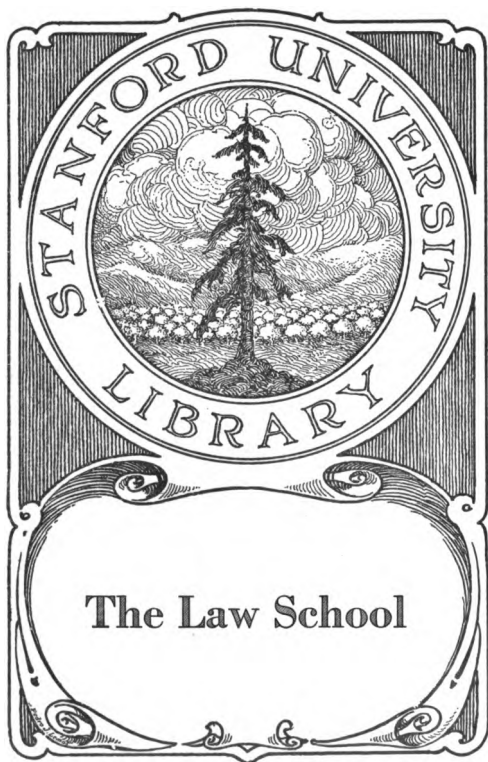
Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>



Florida. September

THIRD SESSION, 1870.

THE
ACTS AND RESOLUTIONS

ADOPTED BY THE
LEGISLATURE OF FLORIDA,
AT ITS
THIRD SESSION,

UNDER THE CONSTITUTION OF A. D. 1868.

PUBLISHED BY AUTHORITY OF LAW, UNDER THE DIRECTION OF THE
ATTORNEY-GENERAL.

TALLAHASSEE, FLA.:
CHARLES M. WALTON, STATE PRINTER.

1870.

L20650

FEB 12 1942

STATE OF FLORIDA,
OFFICE SECRETARY OF STATE. { ss.

I, JONATHAN C. GIBBS, Secretary of State, do hereby certify that the Acts and Resolutions contained in this volume have been by me compared with the original Acts on file in this office, and that the same are true and correct copies, except that the words in brackets [thus] have been added when it was evident that there was an omission, or a word improperly used.

In Witness Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Florida.

[L. S.]

Done at Tallahassee, this twenty-second day of June, A. D. 1870.

JONATHAN C. GIBBS,
Secretary of State.

VERIFIED

CONTENTS.

STATUTES.

NO. CHAPTER.	TITLE.	PAGE
1..1,731..	An Act to alter and amend An Act entitled "An Act to Perfect the Public Works of the State," approved June 24, 1869.....	9
2..1,732..	An Act in reference to the Real and Personal Estate of Decedents, Regulating the sale thereof in Certain Cases, and Prescribing the Practice in such Cases.....	14
3..1,733..	An Act providing for the Removal of Executors and Administrators, and the Appointment of their Successors.....	19
4..1,734..	An Act for the Appointment of a Curator to take possession of the Estates of Decedents in Certain Cases, and Repealing the Existing Statute upon that Subject.....	22
5..1,735..	An Act for the Re-establishment of the Records where the same have been destroyed by the Burning of the Court House or other place where they were Deposited and Kept, or shall otherwise be Destroyed in any and for any County of this State... ..	23
6..1,736..	An Act in relation to Drugs and Medicines, Druggists or Apothecaries in Incorporated Cities or Towns in this State.....	27
7..1,737..	An Act in Relation to State Warrants.....	28
8..1,738..	An Act for the Protection of Agricultural Laborers.....	29
9..1,739..	An Act to enable Indigent Persons to obtain Credit, and to secure the Lender.....	30
10..1,740..	A bill to be entitled An Act relating to Stevedores.....	31
11..1,741..	A bill to amend An Act entitled An Act for the Regulation of Pilots and Pilotage.....	33
12..1,742..	An Act to Amend the First and Second Sections of An Act to Provide for the Registration of Electors, and the Holding of Elections, approved August 6, 1868, so as to provide for the Election of Representatives in Congress.....	33
13..1,743..	An Act Designating the Days for Holding the County Courts of the Several Counties of the State.....	34
14..1,744..	An Act granting Equal Privileges on Public Conveyances.....	35
15..1,745..	An Act for the Preservation of the Public Peace and Order.....	36
16..1,746..	An Act to amend the thirty-first Section of An Act entitled An Act relating to Jurors, approved July 28, 1868.....	36
17..1,747..	An Act to make the Justices of the Peace Coroners in their Respective Counties.....	36
18..1,748..	An Act to Exempt Maimed Persons from Professional and Occupational Tax.....	37
19..1,749..	An Act further Defining the Duties of Cabinet Officers.....	37
20..1,750..	An Act to Provide for Shipping Masters in this State.....	38

NO. CHAPTER.	TITLES.	PAGE
21..1,751..	An Act Granting Liens to Artisans, Mechanics, and Others, and Providing for the Enforcement Thereof.....	39
22..1,752..	An Act to amend An Act entitled An Act for the Pay of State Attorneys and County Judges, approved February 1, 1869....	39
23..1,753..	An Act in Relation to Sheriffs, Tax Collectors, and Assessors and their Sureties.....	40
24..1,754..	An Act for the Payment of Tax Assessors for Enrolling the Militia of this State.....	40
25..1,755..	An Act to amend An Act entitled An Act for the Assessment and Collection of Revenue.....	41
26..1,756..	An Act relating to Cities.....	41
27..1,757..	An Act in relation to Misdemeanors.....	42
28..1,758..	An Act to Provide the Manner of Establishing lost Comptroller's Warrants and Treasury Certificates.....	42
29..1,759..	A bill to be entitled An Act to Authorize the Comptroller to Pay a Commission for the Sale of State Bonds.....	43
30..1,760..	An Act Repealing An Act to Authorize the Comptroller to Pay a Commission for the Sale of State Bonds.....	43
31..1,761..	An Act Regulating the Sale of Bonds.....	43
32..1,762..	An Act further Defining the Duties of the Comptroller of this State.....	44
33..1,763..	An Act to repeal An Act entitled "An Act to enforce the Laws against the violation of the Sabbath day in Monroe County," approved December 29, 1854.....	44
34..1,764..	An Act to fix and Define the Boundary Lines of Volusia County.....	45
35..1,765..	An Act to be entitled An Act to alter and Define the Boundary Line between the counties of Alachua and Bradford.....	45
36..1,766..	An Act to Establish the Florida Agricultural College.....	45
37..1,767..	An Act to authorize the Governor to ask for and receive the Agricultural Land Scrip from the United States.....	49
38..1,768..	An Act to Incorporate the Jacksonville and St. Augustine Railroad Company, and to Perfect one of the Public Works of the State.....	50
39..1,769..	An Act to Incorporate the Great Southern Railway Company, and to Perfect one of the Public Works of the State.....	54
40..1,770..	An Act to Incorporate the Gulf Steamship Company, and to Perfect the Public Works of the State.....	58
41..1,771..	An Act to Incorporate the Santa Rosa Railroad, Banking, and Insurance Company.....	60
42..1,772..	An Act to Alter and Amend An Act entitled An Act to Incorporate the Santa Rosa Banking and Insurance Company, passed at the present session of this Legislature.....	66
43..1,773..	An Act to Incorporate the Pensacola and Barrancas Railroad Company.....	69
44..1,774..	An Act Supplementary to An Act to alter and amend An Act entitled An Act to Incorporate the Pensacola and Barrancas Railroad Company, passed at the present session of the Legislature.....	72
45..1,775..	An Act to Incorporate the Monticello and Georgia Railroad Company.....	75

CONTENTS.

NO.	CHAPTER.	TITLES.	PAGE
46..1,776..	An Act to Incorporate the Upper St. Johns, Mellonville, and Tampa Railroad Company.....		79
47..1,777..	An Act to Incorporate the West Florida Railroad Company.....		82
48..1,778..	An Act to Incorporate the Jacksonville Ferry Company, and to vest in said Company powers and privileges of An Act granting a charter for Crawford Ferry, at Jacksonville, Florida, to William A. Young, approved by the Governor January 5, 1859.		85
49..1,779..	An Act to Incorporate the Suwannee and Inland Railroad Company.....		88
50..1,780..	An Act to Incorporate the Florida Telegraph Company.....		92
51..1,781..	An Act to Alter and Amend An Act entitled An Act to Incorporate the Florida Telegraph Company, and Declaratory thereof.		93
52..1,782..	An Act to Incorporate the Palatka and Waldo Telegraph Company.....		95
53..1,783..	An Act to Organize the Aquatic and Tropical Plant Propagating Company.....		96
54..1,784..	An Act to Incorporate the Peas Creek Immigrant and Agricultural Company.....		98
55..1,785..	An Act to Incorporate the Jacksonville Hotel Company.....		99
56..1,786..	An Act to Incorporate the Pensacola City Company.....		100
57..1,787..	A bill to be entitled An Act to Incorporate the Wickwihatchee River Navigation Company.....		102
58..1,788..	An Act to Protect the Lumber, Log, and Timber Business of the Suwannee River.....		103
59..1,789..	An Act to amend An Act to Incorporate the Atlantic and Gulf Express Company.....		104
60..1,790..	An Act to Incorporate the Fire Department of the City of Tallahassee.....		106
61..1,791..	An Act to Authorize Augustus M. Cox to Erect a Dam and Toll-Bridge across the Santa Fe River for Milling Purposes...		107
62..1,792..	A bill to be entitled An Act to Authorize George M. Whetstone to Erect a Dam for Milling Purposes and a Toll-Bridge across the Santa Fe River.....		107
63..1,793..	An Act to Authorize the Construction of a Boom across the Withlacoochee River at a point known as "Drew's Mills."...		108
64..1,794..	An Act to Incorporate the East Florida Land Company.....		108
65..1,795..	An Act setting forth Certain Restrictions on the Florida Railroad Company.....		111
66..1,796..	An Act for the Relief of Gadsden County.....		111
67..1,797..	An Act for the Relief of G. Troup Maxwell.....		112
68..1,798..	An Act for the Relief of John O. Cosby, late Sheriff of Alachua County.....		113
69..1,799..	An Act for the Relief of J. L. Gaskins.....		114
70..1,800..	An Act for the Relief of Claiborne Bevil.....		114
71..1,801..	A bill to be entitled An Act to enable Silas C. Barker, Captain of the State Penitentiary, to receive his Salary.....		114
72..1,802..	An Act to admit Knox Livingston to Practice Law in the several Courts of this State, the said Knox Livingston not being of age.....		115
73..1,803..	An Act for the Relief of William H. Holden.....		115

NO. CHAPTER.	TITLES.	PAGE
74..1,804..	An Act for the Relief of John Wyatt.....	116
75..1,805..	An Act for the Relief of Harry C. Campbell, Sheriff of Escambia County.....	116
76..1,806..	An Act to Compensate George J. Arnow, late Solicitor of the Suwannee Circuit, for Extra Services.....	117
77..1,807..	A bill to be entitled An Act for the Relief of George J. Arnow, late Solicitor of the Suwannee Circuit of Florida.....	117
78..1,808..	An Act for the Relief of the Children of the late Dr. John L. Finlayson.....	118
79..1,809..	An Act for the Relief of A. F. Avery.....	118
80..1,810..	An Act for the Relief of Robert Wilkerson, late Sheriff of Polk County.....	119
81..1,811..	An Act for the Relief of D. L. McKinnon.....	119
82..1,812..	An Act to authorize Robert G. Strange, a Minor, to take charge of and Control his Estate.....	120
83..1,813..	An Act authorizing James H. King, of Hamilton County, a Minor, to take Charge of and Control his Estate.....	120
84..1,814..	An Act making Appropriations for the Payment of Members, Officers, and Attaches, and other Expenses of the Legislature at its Regular Session, begun and held January 4, 1870, and the Expenses of the State Government of the State of Florida for the fiscal year ending December 31, A. D. 1870.....	120

RESOLUTIONS.

NO.	TITLES.	PAGE
1..	Assembly Joint Resolution proposing Amendments to the State Constitution.....	127
2..	Joint Resolution.....	128
3..	Joint Resolution to provide for the Payment of C. E. Dyke for Printing the Majority and Minority Reports, and the Evidence submitted by the Committee of Investigation into the Acts and Doings of Governor Reed.....	129
4..	Joint Resolution of the Senate and Assembly for the relief of Frederica Glass.....	129
5..	Joint Resolution in Reference to Public Lands.....	129
6..	Joint Resolution in Reference to the Establishment of a Mail Route from Starke, in Bradford county, to Lake City, Columbia county, Florida.....	130
7..	Joint Resolution relative to Establishing Post Routes and giving Mail facilities to the County of Calhoun.....	130
8..	Joint Resolution.....	131
9..	Joint Resolution relative to Mail Routes in this State.....	131
10..	Joint Resolution relative to Establishing a Postal Route from Palatka to Dunn's Lake.....	131
11..	Joint Resolution authorizing Abraham Slager to establish the Business of Pawnbroker.....	132

CONTENTS.

vii

NO.	TITLES.	PAGE
13.	A Joint Resolution to Provide for the due Reference and Publication of Amendments to the State Constitution, proposed and agreed to at the present session of the Legislature.....	132
13.	Joint Resolution.....	133
14.	Joint Resolution instructing the State Treasurer to Pay Warrant No. 592.....	133
15.	Joint Resolution.....	133
16.	Joint Resolution.....	134
17.	Concurrent Resolution.....	134
18.	Concurrent Resolution for the Pay of J. W. Thurman.....	134
19.	Concurrent Resolution asking the Adjutant-General to report upon the Management of his Department.....	134
20.	Concurrent Resolution relative to Certain Lands about to be disposed of by the Trustees of the Internal Improvement Fund.....	135

MEMORIALS.

	TITLES.	PAGE
Memorial to Congress for the Establishment of a Mail Route from Tampa to Fort Harrison, in the Old Tampa Neighborhood.....		137
Memorial to the Congress of the United States Praying for the Re-opening and Re-establishing the Mail Route from New Troy, in Lafayette County, to Clearwater Harbor, in Hillsborough County, Florida, via Cedar Keys, by Water Once a Week, or as may suit Contractor, the Distance of Three Hundred Miles.....		137
Memorial asking for Harbor Improvements at Mosquito Inlet.....		137
A Memorial from the Legislature of the State of Florida to the Congress of the United States.....		138
Memorial.....		138
Memorial to Congress.....		139

Florida
1870 Jan

LAWS OF THE STATE OF FLORIDA,

ADOPTED BY THE LEGISLATURE OF FLORIDA AT ITS

THIRD SESSION, 1870,

UNDER THE CONSTITUTION OF A. D. 1868.

CHAPTER 1,731.—[No. 1.]

AN ACT to Alter and Amend An Act entitled "An Act to Perfect the Public Works of the State," approved June 24, 1869.

SECTION 1. *The people of the State of Florida, represented in Senate and Assembly, do enact as follows:* That Section 4 of An Act entitled An Act to Perfect the Public Works of the State, approved June 24, 1869, which reads as follows: "Sec. 4. The Jacksonville, Pensacola and Mobile Railroad Company shall have the exclusive right for twenty years to build a railroad, with one or more tracks, from the terminus of the Pensacola and Georgia Railroad at Quincy, touching at Marianna in Jackson county, and at a point within five miles of Eucheeana in Walton county, thence touching at Milton, in Santa Rosa county, to the Alabama State line, in the direction of Mobile in Alabama, crossing the Pensacola and Louisville Railroad north of Pensacola, with the privilege of continuing the same to Mobile, and of connecting with any railroad running to Mobile," be altered and amended so as to read as follows:

Section to be amended.

The Jacksonville, Pensacola and Mobile Railroad Company shall have the exclusive right for twenty years to build a railroad, with one or more tracks, from the terminus of the late Pensacola and Georgia Railroad, now the Tallahassee Railroad, at Quincy, Gadsden County, to the dividing line between the States of Florida and Alabama, in the direction of the city of Mobile, Alabama, running through the counties of Gadsden, Jackson, Holmes, Washington, Walton, Santa Rosa, and Escambia, crossing the Pensacola and Louisville Railroad, with the privilege of continuing the same to Mobile, and of connecting with any railroad running to Mobile. *Provided, how-*

Exclusive right to build road from Quincy to Mobile.

Road not to be run nearer than fifteen miles of north line of State.

ever, That in the construction of said railroad the line west of the Chattahoochee river shall not, in any instance, be run, or the road built, nearer than fifteen miles of the north line of the State of Florida.

Section to be amended.

SEC. 2. That Section 9 of said Act, entitled "An Act to Perfect the Public Works of the State," which reads as follows: "Sec. 9. In order to aid the said Jacksonville, Pensacola and Mobile Railroad Company to complete, equip, and maintain its road, and to aid in perfecting one of the Public Works embraced in the internal improvements of the State, the Governor of the State is hereby directed to deliver to the President of the Company, coupon bonds of the State to an amount equal to fourteen thousand dollars per mile of the estimated length of the road, from Quincy westward to the Alabama line, according to the certificate of the President, under the corporate seal, and the same amount per mile for the excess above this estimate, if, after the road shall be definitely located, it shall be likewise certified that the length of the road is greater than the first estimate, but said estimate shall not exceed in length the roadway already completed from Quincy to Jacksonville, and from Tallahassee to St. Marks, united. The said bonds shall be of the denomination of one thousand dollars, signed by the Governor, countersigned by the Treasurer, sealed with the great seal of the State, shall bear seven per cent. interest, payable semi-annually, and shall be payable to bearer. They shall be dated on the 1st day of July, 1869, and shall be due thirty years thereafter, and principal and interest shall be payable at such place in the city of New York as the Governor shall designate. The coupons for interest shall be payable to bearer, and shall be authenticated by the written or engraved signature of the Treasurer," be altered and amended so as to read as follows:

State aid extended to the amount of \$16,000 per mile in State bonds.

In order to aid the said Jacksonville, Pensacola and Mobile Railroad Company to complete, equip, and maintain its road, and to aid in perfecting one of the Public Works embraced in the internal improvements of the State, the Governor of the State is hereby directed to deliver to the President of the said Company coupon bonds of the State to an amount equal to sixteen thousand dollars per mile for the whole line of road and length of railroad owned by or belonging to said Jacksonville, Pensacola, and Mobile Railroad Company, in exchange for first mortgage bonds of said Railroad Company, of the denomination of one thousand dollars, when the President thereof shall certify upon his oath, that the road or parts of road for which he asks for an exchange of bonds is completed, and is in good running order. The said bonds shall be of the denomination of one thousand dollars, signed by the Governor, countersigned by the Treasurer, sealed with the great seal of the State; shall bear eight per cent. interest, payable semi-annually, and shall be pay-

Character of State bonds—how signed, date, when to fall due, and where payable.

able to bearer. They shall be dated on the first day of January, A. D. 1870, and shall be due thirty years thereafter, and principal and interest shall be payable at such place in the city of New York as the Governor shall designate. The coupons for interest shall be payable to bearer, and shall be authenticated by the written or engraved signature of the Treasurer; *Provided, however,* That whenever the Jacksonville, Pensacola and Mobile Railroad Company shall or may determine to pay the interest in gold for or upon their bonds or the bonds designated in the tenth section of An Act entitled "An Act to Perfect the Public Works of the State," approved June 24, 1869, upon giving notice to the Governor of such intention then the State bonds aforesaid and the coupons for interest on said bonds shall be payable in gold, notice of which shall be given by the Governor in some paper published in the City of New York, and at the capital of this State, to be designated by the Governor.

Coupons payable to bearer.

When the company determines to pay interest in gold, interest on State bonds to be payable in gold.

Governor to give notice.

SEC. 3. That section 11 of said act, entitled "An Act to Perfect the Public Works of the State," approved June 24, 1869, which reads as follows: "Sec. 11. To secure the principal and interest of the said Company bonds, the State of Florida shall, by this act, have a statutory lien, which shall be valid to all intents and purposes as a mortgage duly registered on the part of the road, on the estimated length of which the State bonds were delivered, and on all the property of the Company, real and personal, appertaining to that part of the line which it may now have, or may hereafter acquire, together with all the rights, franchises and powers thereto belonging, and in case of failure of the Company to pay either principal or interest of its bonds, or any part thereof, for sixty days after the same or any installment thereof shall become due, it shall be lawful for the Governor to enter upon and take possession of said property and franchises, and sell the same at public auction for cash, on such notice as he may prescribe so as to protect the State," be altered and amended so as to read as follows:

Section to be amended.

To secure the principal and interest of the said Company bonds, the State of Florida shall, by this act, have a statutory lien, which shall be valid to all intents and purposes as a first mortgage duly registered, on the part of the road for which the State bonds were delivered, and on all the property of the Company, real and personal, appertaining to that part of the line which it may now have or may hereafter acquire, together with all the rights, franchises and powers thereto belonging, and in case of failure of the Company to pay either principal or interest of its bonds or any part thereof for twelve months after the same shall become due, it shall be lawful for the Governor to enter upon and take possession of said property and franchises, and sell the same at public auction, after having first given ninety days' notice by public advertisement in at least one newspaper

State shall have lien on the road, franchises, and property.

Upon failure of the company to pay principal or interest of its bonds for twelve months the Governor may take pos-

session of and sell the property and franchises.

State may purchase.

Proceeds of sale to be applied to payment of State bonds issued to the company.

What the purchaser takes by the sale.

Governor to put purchaser in possession.

Purchaser may use new corporate seal.

Sale must be ratified by the Legislature.

State aid extended to \$16,000 per mile for, not exceeding one

published in each of the following places: the city of New York, in the State of New York, the city of Savannah, in the State of Georgia, and the city of Tallahassee, in the State of Florida, for lawful money of the United States, and for nothing else, except that the State, for its own protection, may become the purchaser at said sale, and may pay on said purchase any evidences of indebtedness the State may hold against said roads, which purchase money, or said evidences of indebtedness, shall be paid on the day of sale into the Treasury of this State, or within ten days thereafter; and all moneys arising from said sale and paid into the Treasury of this State, as heretofore prescribed, shall be promptly and exclusively applied to the payment and satisfaction of the bonds issued by the State of Florida under this act, and in case the holders of said bonds do not present them for redemption within ninety days after said sale, the Treasurer shall invest the same, or any part thereof which may be remaining in his hands, in the securities of the United States, to be held by the State of Florida, as trustee for the bondholders, until said bondholders shall demand the same, upon which demand the Treasurer shall immediately turn over or pay said securities to the bondholders. The purchaser or purchasers of said road shall be by said sale possessed of all the rights, privileges and franchises of said defaulting Company, together with the franchise of use and being a body politic, and the Governor shall, upon the payment of the said purchase money into the Treasury of this State as above provided, immediately cause the purchaser or purchasers of said road at said sale, to be placed in the actual possession, use and enjoyment thereof, and cause all the books, papers, and real and personal property of said company, of every description, together with its franchise of use and being a body politic and corporate, to be turned over to said purchaser or purchasers, and the purchaser or purchasers of said road shall be by said sale possessed of all the rights, privileges and franchises of said defaulting Company, together with the franchise of use and being a body politic and corporate, and may use any new corporate name they see fit, and make and use a new seal upon signifying their action in writing to the Governor, and thereafter may exercise all the rights of a body corporate and privileges thereof, and of said defaulting Company, under said new name, for the term of thirty-five years, to date from the time of the purchase as aforesaid. That any such sale shall be ratified by the Legislature before the same shall become effective.

SEC. 4. That the Governor shall, for the purpose of further aiding said Jacksonville, Pensacola and Mobile Railroad Company in the speedy construction of its road, deliver to the President of said company coupon bonds of this State, of the same character as those above described in this Act, to the amount

of sixteen thousand dollars per mile, upon receiving for and from the President of said company first mortgage bonds of like amount on any part or portion of the road between Quincy and Jacksonville; *Provided, however,* The State bonds under this section shall not be exchanged for first mortgage bonds for a greater length than one hundred miles of any part of railroad between Quincy and Jacksonville. *Provided,* The said railroad company or companies shall not issue first mortgage bonds to a greater amount than sixteen thousand dollars per mile.

hundred miles on road between Quincy and Jacksonville.

Company not to issue first mortgage bonds to greater am't than \$16,000 per mile.

SEC. 5. That Section 12 of said act, entitled An Act to Perfect the Public Works of the State, which reads as follows: "Sec. 12. For the protection and additional security of the State in the issue of the bonds authorized in the preceding section, the Jacksonville, Pensacola and Mobile Railroad Company shall deposit with the State Treasurer good and sufficient security, to be approved by the Treasurer, for the payment of all interest that may become due on the State bonds issued to them until the completion of the said railroad, and shall also give to the State before the issue of said bonds, an additional security for the faithful application of said State bonds, a lien upon the entire railroad from Quincy to Jacksonville, and from Tallahassee to St. Marks, which lien shall be cancelled as the road is completed, in sections of twenty miles, so that when twenty miles of the road west of Quincy shall be completed and in running order, twenty miles of the road east of Quincy shall be released from said lien, and so on in the proportion the said lien shall be released until the completion of the road to the Alabama State line, when said lien shall be fully cancelled and discharged," be, and the said section or sections are hereby, repealed.

Section repealed.

SEC. 6. That section 20 of said Act, entitled "An Act to Perfect the Public Works of the State," which reads as follows: "Sec. 20. That the said railroad shall be completed from Quincy to the Apalachicola river by the first day of January next, and the whole line within this State shall be completed within three years from the passage of this act," be, and the said section is hereby amended as to read as follows:

Section to be amended.

That the said railroad shall be completed from Quincy to the Apalachicola river by the first day of July, A. D. 1870, and the whole line within this State shall be completed within five years from the passage of this Act. Otherwise all chartered rights vested in this Act shall be forfeited to the State.

When shall be completed.

SEC. 7. That all acts and doings of the Corporators, Stockholders and Board of Directors of the Jacksonville, Pensacola and Mobile Railroad Company, under and by virtue of An Act entitled "An Act to Perfect the Public Works of the State," approved June 24, 1869, in relation to the organization and management of said Jacksonville, Pensacola and Mobile Rail-

Acts of corporators, stockholders and directors of the company confirmed.

road Company, are hereby approved and confirmed and declared to be of full force and effect.

Chapter 1,716
of the laws
of which this
act is an
amendment,
declared a law
of the State.

SEC. 8. That the Act published as Chapter 1,716—[No. 4] in pamphlet form, under the direction of the Attorney-General, by authority of law, as the acts and resolutions adopted by the Legislature of Florida at its extra session, beginning June 8, 1869, under the Constitution of A. D. 1868, wherein from page 29 to page 38 inclusive is found and published An Act entitled "An Act to Perfect the Public Works of the State," approved June 24, 1869, and printed at Tallahassee, Florida, by Edw. M. Cheney, State Printer, is hereby declared to be an act and law of the State of Florida of which this Act is an alteration and amendment.

This to be held
a public act.

SEC. 9. That this Act shall be deemed and held to be a public act, and all laws and parts of laws conflicting with this Act be, and they are hereby, repealed.

Approved January 28, 1870.

CHAPTER 1,732.—[No. 2.]

AN ACT in reference to the Real and Personal Estate of Decedents, Regulating the Sale thereof in Certain Cases, and Prescribing the Practice in such Cases.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. Real estate shall be considered assets in the hands of an executor or administrator.

Real estate de-
clared assets.

Shall be equal-
ly liable with
personal prop-
erty to execu-
tion.

Administrator
may designate
the property
to be taken.

Officer shall
judge of suffi-
ciency of.

SEC. 2. Real estate in the hands of an executor or an administrator shall be equally liable with personal property to levy and sale under an execution upon any judgment against such administrator or executor; but the executor or administrator may in every case designate the property, or kind or part of property, which shall first be taken in execution, and whether it shall be real or personal; *Provided always*, That the officer levying shall judge of the sufficiency, and shall take sufficient property, if it be found, to satisfy the execution.

Sales of real
estate in pur-
suance of a
will, by whom
and how made.

SEC. 3. The sale and conveyance of lands and tenements, sold in pursuance of any will, shall be made by the executors, or such of them as shall undertake the execution of the same, or by the surviving executors, or by the administrator with the will annexed, if no other person shall be appointed in such will for that purpose, or if the person so appointed shall refuse to perform the trust, or die before he shall have completed the same, or is otherwise rendered incompetent. If the will does not authorize a private sale, or give such powers as authorize a sale without the intervention of the courts, such sale may be made upon the order

of the circuit or county court. The proceedings may be had either in term time or vacation, and the order shall be made upon petition by the executor, or administrator with the will annexed. The executor or administrator with the will annexed, shall not receive the money resulting from such sale until he shall enter into bond, with good security, to be approved by the court, conditioned for the faithful application of the money, in accordance with the directions of the will, unless the will expressly provides that he may receive the money without bond, and in the event any credit is extended to the purchaser, which the court is hereby authorized to do, (provided it is not inconsistent with the will,) upon adequate and sufficient mortgage, or other security, when it is for the interest of the parties concerned, then the condition of the bond of the executor, or administrator with the will annexed, shall be modified so as to secure the due application of the amount received in cash, as well as to secure the collection and due application of the balance for which credit is extended. In all cases where the requirements of this section are inconsistent with the will, the will shall be followed.

Proceedings.

Bond to be given for the faithful application of proceeds of sale.

Credit may be extended.

SEC. 4. When the estate is solvent, and the debts and charges due and owing by an intestate estate, or by a testate estate where sufficient provision is not made for them, or by a testate estate where there is no power of sale of realty under the will for the payment of debts and charges, shall exceed the value of the personal estate, and the personal estate shall have been exhausted, or is insufficient to pay the debts and charges, a sale may be had of so much of the real estate as shall be sufficient to pay the amount due over and above the proceeds of the personal estate, or its value with incidental charges of sale. The proceedings may be had by petition either before the circuit or county court, may be either in vacation or term, and shall be as follows: The executor or administrator shall file his petition, under oath, setting up the facts which authorize the sale, and upon the same being established to the satisfaction of the court, and upon his filing, under oath, a schedule of the debts as near as he can ascertain after diligent inquiry, showing the amount of the debts, to whom and when due, and the nature of the evidence by which they are established, a sale may be ordered of the portion of the real estate necessary to accomplish the purposes stated; *Provided, however,* That if any person interested in the estate shall at any time before the sale day, and after notice to the executor or administrator, show to the court that it is to the interest of the estate that any other portion of the real estate should be sold in preference to that ordered sold, the court may revoke its original order and direct a sale of such other portion of the estate as it deems best. The sale shall be for cash, unless otherwise directed by the court, when it may be upon mortgage or other security, to be approved by the court;

Sale of real estate after personal estate is exhausted, or when insufficient to pay debts.

Proceedings.

Proceedings.

Proceedings.

and the executors or administrators before receiving the money or securities resulting from such sale shall enter into bond, with good security, to be approved by the court, conditioned for the faithful application of the money to the payment of the debts and charges, and in the event credit is extended, the bond shall be so modified as to secure the due application of the amount received in cash, as well as the collection and due application of the balance for which credit is extended.

When real estate may be sold instead of personal.

SEC. 5. When the estate is solvent, and it shall become necessary to sell any portion of the estate, real or personal, to pay the debts and charges lawfully due and owing by an intestate estate, or by a testate estate where sufficient provision is not made by the will of the testator, or where there is no power of sale of real estate under the will to pay said debts and charges, a sale may be had of as much of the real estate as may be necessary for that purpose, instead of personal estate, if it shall appear to the court that the sale of said real estate, in lieu of the personal estate, will be most for the benefit of said estate, and the courts, in all cases where such payment cannot be made, either in whole or in part, from sales of the personal estate without prejudice to the parties interested in the estate, by depriving them of such stock, farming utensils, or provisions may be necessary for sustaining the farm or plantation, or for other cause, may, in their discretion, order sales of any part of the real estate in lieu of the personal estate, or part thereof, as they may deem to be for the general benefit of the parties interested; such sale may be had upon the order of the circuit or county court, which order may be made in term time or vacation, upon petition filed and signed by the executor or administrator, and such of the parties interested, including infants, as are not infants, and including the husband and wife, and are married women. The petition shall set forth in detail a full statement of the debts and charges, showing their nature, and when and how due, and the nature of the evidence by which they are established, as well as the facts from which it is thought the sale, as prayed for, is for the benefit of the estate, and shall set forth the names of the heirs, devisees, or legatees, and of the charge, and which are infants. Upon the filing of said petition it shall be the duty of the court forthwith to appoint a guardian, not of kin to the petitioners, to act for the infants, and to name an early day upon which the petition shall be filed, under oath, an answer in reference to the matters stated in the petition, at which, or any subsequent day, and after the coming in of the answer and examination of the parties, and such evidence as may be offered, or the court may order taken, the court shall make an order authorizing, or refusing to authorize, the sale prayed for in the petition. In case there are no infants, the order may be made upon the filing of the petition. The sale, in this case, shall be for

Proceedings.

Proceedings.

cash, unless otherwise directed by the court, and then it may be upon mortgage or other security, to be approved by the court, and the executor or administrator, before receiving the money or securities resulting from such sale, shall give such bond as is required in the preceding section. In the event that some of the parties interested in the estate desire the sale of real estate in preference to the personal, and others do not, the proceedings may be instituted by the executor, together with those who do desire the sale, and the sale, if so decreed by the court, may be made after notice to the remaining parties in interest, and the appointment of a guardian for the infants as heretofore provided. In this case, a day shall be named for the filing of the answers by the defendants, and a hearing shall be had at such time as the court may direct. If parties fail to file answers, the court may make such order as it deems proper.

Proceedings.

SEC. 6. Lands may be sold by order of the circuit or county court having jurisdiction of the estate, when the same cannot be equitably divided amongst the heirs or devisees, or where there is no power under the will to make a sale for that purpose, in the following manner: The proceedings may be had in term time or vacation, and the application for that purpose must be sworn to, and shall be made by the executor or the administrator. The petition must describe the lands accurately, must state the facts showing why an equitable division cannot be made without a sale, and must give the names of the heirs or devisees, and their places of residence, stating which of each heirs or devisees are under the age of twenty-one years, or married women, or of unsound mind. Upon filing said petition it shall be the duty of the court to order citations to issue to all the heirs or devisees, who are of full age, as well as the husbands of such of them as are *femmes covert*, and the committees or guardians of such as are lunatic, requiring them to appear upon a day therein named, and answer said petition; and it shall be the duty of said court forthwith to appoint guardians to such of the heirs or devisees as are infants, to answer said petition, which guardian shall not be the petitioner, or of kin to him. The parties shall be held to file their answer or answers on or before the day named in the citation, and in the event the sale is resisted upon proper grounds, if the court deems it improper it may refuse to order a sale, or it may order a sale of the whole, or of such part of the estate as it deems necessary to sell to secure an equitable division. The lands may be sold on such terms as the court may deem for the interest of the parties, adequate mortgage or other security being taken, in the event credit is to be extended to the purchaser. The executor or administrator, before receiving the money and securities resulting from such sale, shall enter into bond, with good security, to be approved by the court, conditioned for the faithful application of the money ac-

Sale of lands when they cannot be divided fairly, or when there is no power of sale under the will.
Proceedings.

Proceedings.

cording to the final order and decree of the court in the premises, and in the event credit is extended, the bonds shall be so modified as the nature of the case and the decree or order of the court may require, which decree or order, regulating the division, shall be made upon the receipt of the proceeds of sale by the executor or administrator, in the event it is not made at the same time with the order of sale.

How sales authorized in the preceding sections are to be made.

Notice of sale.

Report of sale to be made.

Proceeds to be delivered to executor or administrator.

Sale may be adjourned.

SEC. 7. The sales of real estate authorized in the preceding sections of this act shall be made by a commissioner, to be appointed by the court, whose fee for the service shall be allowed by the court, not to exceed six dollars for each day employed in the sale, and six dollars for each deed executed, to be taxed as the court shall direct. The sales shall be at public outcry after four weeks' notice of time and place and terms of sale; the notice shall also contain a description of the property to be sold. In counties where a newspaper is published, such notice shall be given by publication therein for the time specified, and in counties where no newspaper is published, such notice shall be given by posting a copy of the order of the court at the county site, and at least four other public places in the county, and such additional notice as the court may order; *Provided however*, That if other notice is directed to be given by the will, then the notice required by the will, instead of the notice required by this act, shall be given. The sale being made, a report thereof shall be made to the court making the order, and upon its being satisfied that there is no improper conduct upon the part of the commissioner, or upon the part of the executor or administrator, and after requiring of each of them an oath that they are not directly or indirectly the purchaser, and upon its being made to appear that the requirements of the order as to the sale have been complied with, and that the property has brought a fair price, he shall pass an order confirming the sale, and shall direct a deed of conveyance to be executed to the purchaser by the commissioner, and its delivery to the purchaser, upon his compliance with the terms of the sale. The funds arising from the sale, and the securities given for credits, shall be delivered by the commissioner to the administrator or executor, upon the order of the court, after the executor or administrator has given the bond required.

SEC. 8. If in any case the sales authorized by the preceding sections cannot take place without a sacrifice of the interests involved, in the opinion of the commissioner, he shall be authorized to adjourn the same, and after giving the notice hereinbefore required, may have the sale at any subsequent day.

SEC. 9. Any commissioner having received the purchase money, or the securities resulting from any of the sales authorized by this act, who shall fail to deliver such money and securities, or either of them, to the executor or administrator upon the order

of the court, unless he is rendered unable so to do by some cause not attributable to his own default or neglect, shall be deemed guilty of felony, and upon conviction thereof shall be fined in a sum equal to the amount received from the purchaser, and shall be imprisoned in the State penitentiary, at hard labor, not less than two years nor more than ten, at the discretion of the court.

Penalty in case of failure of commissioner to deliver money and securities.

SEC. 10. Whenever any estate, real or personal, bequeathed, demised, or apportioned to any person, shall be sold for the payment of the debts of the estate, all the other legatees, devisees, or heirs shall contribute their average or proportional part of such debt to the person from whom such estate, real or personal, shall be thus taken away, and in case of sales under execution or other lien, the lien shall be preserved in favor of the party from whom the estate is taken and sold as aforesaid, against the other parties, upon the property denied by them from the estate, to the extent of their proportional part of the debt.

Contribution between parties interested in estate when there is a sale of the interest of one of them.

Approved February 16, 1870.

CHAPTER 1,733.—[No. 3.]

AN ACT providing for the Removal of Executors and Administrators, and the Appointment of their Successors.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That any administrator or executor may be removed and his letters revoked for any of the following causes, and that such removal shall be in addition to, and not in lieu of, the penalties now prescribed by law in the cases enumerated: First, habitual drunkenness or continued sickness, rendering him incapable of the discharge of his duties, or insanity. Second, failure to make and return inventories of the estate, or to render just and true accounts of the estate, or to make settlements and returns when so required by law. Third, failure to return schedules of property sold, or accounts of sales of property, real or personal, when so required by law. Fourth, the wasting or embezzlement, or other maladministration of the estate. Fifth, failure to give bond or security for any purpose, when so required by the county or circuit court, in accordance with the requirements of law.

Administrator or executor may be removed.

Causes of removal.

SEC. 2. Applications for removal of any executor or administrator must be made to the court from which letters testamentary or of administration issued, and the proceedings may be instituted by any creditor, legatee, devisee, heir, distributee,

To what court and by whom application for removal to be made.

or by any co-executor or co-administrator, or the sureties upon the administration bond, or either of the sureties upon such bond, and shall be conducted in such manner as is prescribed by law for proceedings in probate matters in the county court.

Who shall complete administration of estate in case of removal.

SEC. 3. When an executor or administrator is removed for any cause included in this act, or otherwise, and there is any other executor or administrator, no other executor or administrator shall be appointed; but such remaining executor or administrator shall complete the administration of the estate. If the executor or administrator, so removed, be a sole executor or administrator, the judge of the county court shall appoint an administrator, "*Cum testamento annexo de bonis non*," or an administrator *de bonis non*, as the case may require, in which event a bond shall be required, as in case of an original administration, the form of the condition of the bond being modified to suit the nature of the case.

All effects to be turned over to succeeding administrator or executor.

SEC. 4. The remaining executor or administrator in the one case, and the administrator with the will annexed of the goods not administered, or the administrator of the goods not administered in the other, shall demand and receive of the removed executor or administrator, his heirs, executors, or administrators, all the goods and effects of the deceased, and all books of accounts, bonds, notes, or other securities, documents, papers, or property that concern the estate, together with all the sums of money due the estate by him.

All suits shall survive to succeeding executor or administrator.

SEC. 5. All suits in law or equity pending before any court in favor of, or against an executor or administrator removed, shall survive to, and may be prosecuted by or against the administrator appointed to succeed him, and such shall likewise be the case in cases where there is a remaining executor or administrator; but neither the administrator with the will annexed of the goods not administered, or the administrator of the goods not administered, or the remaining executor or administrator, shall be liable for any default of their predecessors in any other manner than they would in the absence of this statute, nor shall they be liable, in any event, in any amount beyond the value of the property or assets which has or may come to their hands.

Extent of their liability.

Removed executor or administrator shall account for and turn over effects.

SEC. 6. That a removed executor or administrator shall be held to file a true, perfect, and final account of his administration with the judge of the county court within twenty days after his removal, and he shall turn over to his successor all the goods and effects of the deceased, and all property, and all books of accounts, bonds, notes, or other securities, documents or papers that are in his control or possession, and which concern the estate, together with all the sums of money due the estate by him upon the qualification of his successor and upon demand made.

SEC. 7. If a removed executor or administrator fails or refuses to file a true, perfect, and final account of his administration, as

required, or shall fail to turn over to his successor all the goods, property, and effects of the deceased, and all books of accounts, bonds, notes, or other securities, or documents and papers that are in his control, and which concern the estate, upon the demand aforesaid, or shall fail to pay over to such new administrator, or remaining executor or administrator, all the sums of money due the estate by him, it shall be the duty of the judge of the county court, in either event, to issue an order addressed to such executor or administrator, directing a compliance with the law in the respects mentioned, or either of them, as the case may be, within ten days after service of a copy of the order, and in case of a failure or neglect of the removed executor or administrator to comply with this order within the time required, it shall be within the discretion and power of the judge of the county court, and it shall be his duty in case of such contempt, and when such default is not attributed to a cause which is justifiable, to commit such removed executor or administrator until he complies fully with the requirements of the law in the respects indicated. If sufficient cause is shown for the default, the judge of the county court shall then indicate a reasonable time in which a compliance with the law shall be required, and upon failure to comply with this or any subsequent like order, the judge may commit the party in default until he does comply.

Proceedings in case of his failure so to do.

SEC. 8. In case of a commitment, the judge of the circuit court may, upon a writ of "*habeas corpus*," inquire whether sufficient cause or excuse for the non-compliance with the orders of the judge of the county court were shown by the defaulting executor or administrator.

Sufficiency of cause for commitment may be inquired into by judge of circuit court.

SEC. 9. Proceedings for the commitment of such defaulting administrator or executor may be instituted by the judge of the county court, *sua sponte*, or by any creditor, legatee, devisee, heir, distributee, or by the sureties, or either of them, or, in case of a sole executor or administrator, by his successor, in addition to the other parties, and in cases where there is more than one executor or administrator, by the remaining executor or administrator, as well as the parties before mentioned.

Who may institute proceedings to commit.

SEC. 10. In all cases where an administrator or executor is removed, and he is in default for two months, either in the delivering of any portion of the estate, or in the payment of the balances due to the new administrator or executor, it shall be the duty of the new administrator or executor, or the remaining executor or administrator, to give to said the administration or testamentary bond of such removed administrator or executor. In all cases where there is no bond, the new administrator or executor, or the remaining executor or administrator, shall institute an action for the recovery of the money due, or the value of the property retained, or both, as the case may be. In either of the cases stated in this section, an attachment may issue

Upon two months' default of removed executor, his bond to be sued.

Attachment

may issue against property of removed executor when. against the property of the removed administrator or executor, upon affidavit of the new or the remaining executor or administrator, his agent or attorney, that he is a removed executor or administrator, and is in default for two months in the delivering of any portion of the estate, specifying what portion and its value, or that he is in default for two months in the payment of the balance due, specifying the amount. When this attachment is issued, bond shall be given as in other cases of attachment; *Provided, however,* That in all cases where there has been personal or constructive service, or an appearance, the suit shall not abate by dissolution of the attachment.

Repeal.

SEC. 11. All laws in conflict with this act are hereby repealed.

Approved February 19, 1870.

CHAPTER 1,734.—[No. 4.]

AN ACT for the Appointment of a Curator to Take Possession of the Estates of Decedents in Certain Cases, and Repealing the Existing Statute upon that Subject.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows : SECTION 1. When any person shall die intestate, the county court, whenever it is necessary, and upon the application of any person, shall appoint a curator to take charge of the estates of the deceased person until letters of administration are granted; *Provided, however,* That if the person entitled to take out letters of administration is a resident of the county where the property is situated, no such curator shall be appointed until after such notice as the court may direct to such person so entitled to letters of administration. If the person entitled to such letters, after this notice, fail to take out such letters, a curator shall be appointed. Upon his appointment the court shall direct the person in possession of the effects of the deceased forthwith to deliver them into the possession of the curator, and this order, when not obeyed promptly, may be enforced by attachment and imprisonment for the contempt. Such bond shall be required of the curator as the court shall deem necessary to secure the property or the proceeds in case of sale, and the court may make an order for the sale of such portion of the perishable property as should be sold. The curator shall file immediately an inventory of the property. A delivery of the effects and proceeds of sale by the curator to the administrator, when one qualifies, may be enforced by attachment and imprisonment.

County court may appoint a curator.

Not to appoint until after notice, if person entitled to administer is a resident of the county.

Curator must give bond, file inventory of property, and deliver effects and proceeds of sale to administrator.

Repeal.

SEC. 2. Section 47 of the Act of November 20th, 1847, entitled An act concerning wills, letters testamentary, and letters

of administration, and the duties of executors, administrators, and guardians, is hereby repealed.

Approved February 16, 1870.

CHAPTER 1,735.—[No. 5.]

AN ACT for the Re-establishment of the Records where the same have been Destroyed by the Burning of the Court House or other place where they were Deposited and Kept, or shall otherwise be Destroyed in any and for any County of this State.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That it shall and may be lawful for any person or persons, whose titles, deeds, bonds, mortgages, conveyances, receipts, or other papers required or authorized by law to be recorded, and which have been of record or on file for record, in any county of this State, and lost or destroyed by fire or otherwise, on or about the thirtieth day of July last, or at any time thereafter, who shall produce a paper writing purporting to be a copy, or as near as may be known or recollected, of the original paper so lost or destroyed, as aforesaid, with full or circumstantial proof of the substance thereof, and of his, her, or their title thereto, or interest therein, and shall file the same in the office of the clerk of the circuit court or recording officer for the county in which the same was so lost or destroyed, and serve on the opposite party or parties to be affected thereby, a copy thereof, or give notice by advertisement in any newspaper published in the judicial circuit wherein the county is situated, the records of which shall have been so lost or destroyed, and if no newspaper be published in such district, then the same shall be published in an adjoining judicial circuit of the State nearest to the county where the same may have been so lost or destroyed, for the space of thirty days, and a service of the copy hereby contemplated may be perfected by any one, and if by any one other than an officer duly authorized by law to serve writs or notices, they shall make oath to the fact before some officer legally authorized to administer oaths, and if it be an officer other than one of this State, and who has no seal of office, his official character shall be certified to by an officer who has a seal of office for the county or corporation in the State where he acts, that such person or persons intend to establish such title, deed, bond, mortgage, conveyance, receipt, or other paper required or authorized by law to be recorded, in case no sufficient objection be made, for the circuit court for said county, at its first term after giving such notice, to establish the title and right of such person or persons, and admit to record such papers so estab-

Papers authorized to be recorded, and which have been of record or on file for record, and lost or destroyed, may be established, how.

Circuit Court may establish right to lost papers, and admit copies to record.

Original papers with clerk's certificate of record may be recorded.

lished as aforesaid; *Provided*, That nothing in this [section] contained shall be so construed as to prohibit the recording of any paper required or authorized by law to be recorded, upon the presentation of the original, with the clerk's certificate of record thereon; and the date of the certificate of the clerk shall be held and taken as the date of the record thereof.

Records of marks and brands may be re-established, how.

SEC. 2. That to re-establish records of marks and brands lost or destroyed as aforesaid, the person or persons making application shall take and subscribe an oath (or affirmation) before the clerk of the circuit court, or recording officer of the county, stating the particular mark and brand recorded and so lost or destroyed, and, as near as may be, the time when the same was recorded, which oath shall be taken in writing and recorded in the office of the clerk or recording officer, and to have the same force and effect in law as the original record.

Records of marriages may be re-established, how.

SEC. 3. That for the re-establishment of records of marriages which have been lost or destroyed as aforesaid, any person or persons making application shall take and subscribe an oath (or affirmation) before the clerk of the circuit court, or recording officer of the county, stating the name of the person to whom married, or names of the persons married, the name of and the official character of the person who administered the same, and, as near as may be, the date of such license, and when executed, which oath (or affirmation) shall be taken in writing and recorded in the office of the clerk or recorder, and to be the same in effect in law as the original.

Lost wills, &c., or any paper connected with the administration of the estate of decedents or the administration of guardians, recorded or required to be recorded, may be established and admitted to record, how.

SEC. 4. That to establish any will, letter testamentary, of administration, of guardianship, assignment of dower, or any paper or papers, or instruments of writing in any way connected with the administration of the estate of any decedent, or the administration of guardians, which have been recorded or required by law to be recorded or filed, and which have been lost or destroyed as aforesaid, the applicant shall produce the original or a paper writing purporting to be a copy, or as near a copy of the original paper or papers so lost or destroyed, with full or circumstantial proof of the substance thereof, and of his, her, or their intention to re-establish such lost paper or papers aforesaid, and shall notify the opposite party or parties in the manner provided in the first section of this act, at the first term of the circuit court thereafter, (if no sufficient objection be made,) such paper or papers so lost or destroyed shall be re-established and again admitted to record or placed on file, and be as binding and effectual in law as the original.

Judgments at law in chancery, or decrees and orders in the county courts or any

SEC. 5. That in all cases where judgments at law, or decrees in chancery, or decrees and orders in the county in any of the courts of the county, the evidence of which shall have been lost or destroyed as aforesaid, it shall and may be lawful for the plaintiff, or party or parties interested therein, to file his, her, or

their petition, upon oath, stating the facts in such case, which said petition shall be filed two months, if in the circuit court, previous to any term of the circuit court for said county; if in the county court, one month previous to any term of the county court or probate court; if in a justices' court, twenty days before any term of the justices' court; if in the court of the board of county commissioners, one month before any term or meeting of the board of county commissioners, and a copy thereof shall be served in the same manner as other legal process at least thirty days if in the circuit court, twenty days if in the county court or court of board of county commissioners, or probate court, and ten days if in the justices' court, before any term as aforesaid at which any action upon the same shall take place, upon the party or opposite party, his, her, or their representatives, if residents of the State, and whenever it shall be made to appear by affidavit that any party or parties defendant, or the opposite party, his, her, or their legal representatives, if any, reside beyond the limits of this State, it shall and may be lawful to order a hearing on the facts charged in said petition, and thereupon to pass an order in the same manner as though said party, defendant or defendants, or opposite party or parties, had appeared and were present in court; *Provided*, That a copy of the said order for the hearing be published in some newspaper in the county, if there be one, if not, then the newspaper nearest thereto, for the term of thirty days, or such longer time as the judge, justice, or president of the board of county commissioners shall direct, or by any person delivering a copy thereof to the defendant or defendants, or opposite party or parties, and making affidavit to the fact of said service, and if the affidavit shall be made before an officer not of the county, or a commissioner of deeds for the State of Florida, and who has a seal of his office, his official character and signature shall be certified to by an officer who has an official seal of office. The answer of said party or parties defendant, or the opposite party, shall be filed ten days at least before the day or term fixed for a hearing of the same. It shall be the duty of the court, upon due return with proof of service made in manner required aforesaid, to hear the said petition upon the petition and answer, if any, or upon petition and evidence adduced, if there be no answer, and summary proceedings shall thereupon be had to establish such judgment or decree, or order, in such manner as the court may direct, and the judgment, or decree, or order which may thereupon be rendered by the court shall be deemed as re-establishing such judgment, or decree, or order, to all intents and purposes, as the same existed at the date of the destruction or loss of the records of the county.

of the courts of the county, the evidence of which may have been lost, may be re-established by the respective courts upon petition, notice and hearing.

The answer of the defendant shall be filed ten days before term fixed for hearing. Judgment, decree or order rendered shall be deemed as re-establishing the judgments, decrees and orders as they existed at loss of the records.

SEC. 6. That all proceedings and matters pending and undecided in said courts, and all instruments of writing pertaining

All proceedings pending

in the courts, and all writings pertaining thereto, may be re-established, how.

thereto, may be re-established when lost or destroyed as aforesaid, by filing a substantial copy or copies thereof, in the court, and giving the defendant or defendants, or his attorney of record, notice, in writing, ten days previous to the term of the court at which the motion is intended to be made to re-establish the same, and then the case shall be proceeded in, on the copies thus filed, and may establish the same in lieu of the lost or destroyed originals, and the same shall be as effectual and valid in law as the originals were, thus destroyed or lost as aforesaid, or the plaintiff or plaintiffs may proceed anew as though no suit had been previously commenced.

Second writ of fi. fa. may be issued upon lost or destroyed judgment when first has been lost, upon affidavit of plaintiff.

SEC. 7. That whenever any writs of *fieri facias*, which may have been issued upon any judgment lost or destroyed as aforesaid, and said writ shall have been lost or destroyed as aforesaid, it shall be lawful for the proper officer to issue another writ of *fieri facias* in lieu of the original thus lost or destroyed, upon plaintiff, his agent, or attorney making affidavit that the original was thus lost or destroyed, and that the plaintiff is likely to, and believes that the plaintiff will lose a part or the whole amount of the debt or judgment before the plaintiff will be able to re-establish the judgment thus lost or destroyed, from which an execution or a writ of fi. fa. may issue, and if the defendant, his agent, or attorney shall swear that there is nothing due on the writ of fi. fa. thus destroyed or lost, and shall enter into bond and security, payable to the plaintiff, in double the amount of the debt claimed to be due and owing on the execution and judgment thus lost or destroyed, conditioned that whatever the court shall ascertain to be due to the plaintiff on the execution or judgment thus lost or destroyed, he will pay to the plaintiff, then, in that event, the officer shall deliver to the defendant, his agent, or attorney any property he may have seized by virtue of said writ of fi. fa. thus sued out, and it shall be the duty of the clerk or other officer to issue an execution against the defendant, and his securities on the bond, for the amount which the court shall ascertain and adjudge to be due on the execution and judgment thus lost and destroyed, and the officer levying an execution thus sued out, in lieu of the lost original, to return the same, together with the bond taken, to next ensuing term of court from which the lost or destroyed judgment or execution emanated, there to abide the final decision of the court.

Officers shall return to the defendant property seized on fi. fa. upon affidavit and bond of defendant.

Execution to issue on bond for amount found due on lost or destroyed execution and judgment.

Approved February 19, 1870.

CHAPTER 1,736.—[No. 6.]

AN ACT in relation to Drugs and Medicines, Druggists or Apothecaries in Incorporated Cities or Towns in this State.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: That hereafter it shall be a misdemeanor for any person or persons to vend, sell, compound, or mix, or offer for sale any drugs or medicines of any kind in any incorporated town or city in the State of Florida, or to carry on or engage in the business or avocation of a druggist or apothecary in any incorporated town or city in this State, or to sell or vend any patent medicines in any incorporated town or city in this State, unless such person or persons shall have first obtained a certificate from at least three regular practising physicians, graduates of some regular Medical College, said physicians being residents and practitioners of the town or county with the applicant, and said physicians shall, in said certificate, set forth, under oath made before some judicial officer, that they have carefully, diligently, and thoroughly examined the applicant under this act, and find that he is of good moral character, of sober and steady habits, and possessed of medicinal and chemical knowledge to thoroughly qualify him for the business of a druggist or apothecary in the particular town or city in this State for which the application is made under this act, and that the citizens of this State may have full faith and confidence in his knowledge, skill, carefulness, and ability as a druggist or apothecary, which said certificate shall be acknowledged by the said physicians before the clerk of the circuit court of the county wherein it is made, and shall be spread upon the record of the county, and filed in said circuit court, and a copy thereof under seal of the county shall be given to the applicant; *Provided, however,* That if there be not a sufficient number of qualified physicians under this act residing and practising in the town or county in which the application is made, any other physicians of like qualifications residing in the adjacent town or incorporated city to the applicant, may act, and grant the certificate under this act. Any person convicted for a violation of this act shall be fined not exceeding one thousand dollars, or imprisoned not exceeding six months, or both, at the discretion of the court. That all laws and parts of laws conflicting with this act be, and the same are hereby, repealed.

Misdemeanor for person to vend, mix or offer for sale drugs or medicines in incorporated town or city without certificate from three practising physicians residents of the county and graduates of some medical college.

Certificates must be acknowledged by the physicians and spread upon the records of the county.

Qualified physicians in adjacent county may certify, when.

Person convicted for violation of this act to be fined or imprisoned, or both.

Approved February 11, 1870.

CHAPTER 1,737.—[No. 7.]

AN ACT in Relation to State Warrants.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. No Comptroller's warrant issued after the passage of this act (except warrants issued in payment of the members of the legislature for the year 1870, and for the expenses of the present session of the legislature) shall be receivable in payment of State taxes, or in payment for lands sold by the Trustees of the Internal Improvement Fund, nor for any other State dues now accrued or hereafter to accrue, except as hereinafter provided.

SEC. 2. From and after the passage of this act it shall not be lawful for the Treasurer of this State to issue any treasury certificates, or any other evidences of indebtedness, for any purpose whatever, and he is hereby prohibited from issuing the same.

SEC. 3. It shall be the duty of the Comptroller to have engraven without delay warrants of various denominations, as hereinafter provided, equal in amount to the whole amount of Comptroller's warrants and treasury certificates which have been issued by the Comptroller or by the Treasurer of this State within five years next preceding the passage of this act, and which are now outstanding, and of Comptroller's warrants which shall be issued to members of the legislature in payment of their salaries for the current year, and in payment of the expenses of the present session of the legislature; *Provided, however,* That the whole amount of warrants so engraved shall not exceed two hundred and fifty thousand dollars.

Amount of warrants to be engraved.

How warrants to be engraved and their denominations.

Form of warrants to be issued, how signed, and what to state they are receivable for.

SEC. 4. The said warrants shall be engraved in a neat and careful manner, and shall consist of the following denominations: Ones, threes, fives, and twenties, in equal proportions.

SEC. 5. The said warrants shall read upon their face as follows: "State of Florida, Comptroller's office, March 1st, 1870. To the Treasurer of the State of Florida: Pay to bearer the sum of ——— dollars, due for outstanding State indebtedness, in accordance with an act approved February ———, 1870," and shall be signed by the Comptroller, and countersigned by the Governor. Upon the reverse of the said warrants shall be engraved the following words: "This warrant is receivable by the State of Florida, or by any officer or agent thereof, for State taxes, for public lands sold by the Trustees of the Internal Improvement Fund, or by any other officer or agent of the State, and for all other State dues, and for any fines or penalties imposed."

SEC. 6. As soon as the said warrants shall have been engraved, signed, and countersigned as aforesaid, the Comptroller shall give public notice thereof, by advertisement in the official papers

When warrants have been engraved Comptroller

of the State, and in such other papers as he may deem proper, and call upon all persons having or holding Comptroller's warrants or Treasurer's certificates as specified in Section 3 of this act, to bring or send the same to the Comptroller's office to be exchanged for said new warrants, and all such warrants or certificates shall be exchanged for said new warrants, at par.

SEC. 7. The Comptroller shall keep an accurate register of all said new warrants, and he shall issue none except in exchange for warrants or certificates as specified in said Section 3, and he shall also keep an accurate register of all such warrants or certificates so exchanged, which said warrants and certificates shall be immediately cancelled.

SEC. 8. When any of the new warrants issued as aforesaid shall have been received by the State Treasurer in payment of any debts due to the State, he may re-issue the same in payment of any warrants hereafter drawn upon him by the Comptroller; *Provided*, That no holder of any warrants, or creditor of the State, shall be compelled to receive such new warrants in settlement of his claim.

SEC. 9. The said new warrants, after being issued in exchange as aforesaid, shall be retired and cancelled by the Treasurer, in whole or in part, whenever there shall be in the State Treasury funds that can be applied to that purpose.

SEC. 10. This act shall take effect from and after its passage.

Approved February 18, 1870.

to give public notice and exchange them for warrants and certificates specified in section 3 of this act.

Comptroller to keep register of new warrants issued, and warrants and certificates received, cancelling those received. Treasurer may receive and re-issue new warrants. No person to be compelled to receive new warrants.

New warrants to be retired and cancelled when funds can be applied for that purpose.

Repeal.

CHAPTER 1,738.—[No. 8.]

AN ACT for the protection of Agricultural Laborers.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows : SECTION 1. *Be it enacted*, That a lien be and the same is hereby created in favor of agricultural laborers in this State on the respective crops cultivated by them, to the extent of the value of such labor, whether it be rendered in consideration of money wages or for a share in the crops, such lien to be subordinate only to liens for rent of the land on which such crops are grown.

SEC. 2. *Be it further enacted*, That whenever any portion of the crops cultivated by such laborers shall be removed or attempted to be removed from the premises whereon they were grown or housed, or ginned or packed, or when there is good reason to believe such removal will be attempted without the full payment of all wages due to such laborers for such services, or their written consent to such removal of the crops, then such

A lien created on crops in favor of agricultural laborers.

Writ of attachment may issue upon application of agricultural laborer, when.

laborer or laborers, their agents or attorney, may apply to any justice of the peace, county judge, or clerk of the circuit court within the county wherein any portion of such crops may be found, and upon such application, such officers shall issue a writ of attachment, and give the same to any sheriff, deputy sheriff, constable, or deputy constable, who shall forthwith proceed to levy upon and take possession of such crop, or a sufficient amount thereof to satisfy the debt and probable cost of suit.

Officer issuing the writ of attachment may deputize citizen to execute it, when. Penalty for refusal or neglect to execute.

Writ of attachment issued by justice of the peace, when to be returnable to the county court.

Writ may issue without surety on the bond required, when.

Execution to issue on judgment against the defendant within five days, and return to be made within ten days.

Proceedings to be the same as under attachment laws except when they conflict.

SEC. 3. *Be it further enacted*, That in case of the absence of the proper officer, the officer issuing the writ shall deputize some citizen, who shall proceed to execute the attachment, and any person so deputized who shall refuse or neglect to execute such attachment, shall be deemed guilty of a misdemeanor, and fined not less than one hundred dollars and costs.

SEC. 4. *Be it further enacted*, That when such attachment is issued by a justice of the peace, and the amount exceed fifty dollars, the writ shall be returnable to the county court, and all cases, whether tried before a justice of the peace or other court, shall be tried at the first term after issuance.

SEC. 5. *Be it further enacted*, That if any person seeking redress by virtue of this act, on filing the affidavit necessary to have such attachment issued, shall also make oath that he is unable to give security on the bond required by the laws of this State in attachment cases, then the attachment shall issue without any security on the bond.

SEC. 6. *Be it further enacted*, That it shall be the duty of the judge of the court or justice of the peace trying the case, after hearing and determining the validity of the claim, if judgment is rendered against the defendant, to issue execution within five days after the rendition of such judgment, commanding the officer into whose hands such execution may be placed to proceed and make the money, and make due return thereof within ten days.

SEC. 7. *Be it further enacted*, That proceedings under this act shall be conducted in the same manner as provided by the laws on attachments now in force, except when they conflict with the provisions of this act.

Approved February 21, 1870.

CHAPTER 1,739.—[No. 9.]

AN ACT to enable Indigent Persons to obtain Credit, and to secure the Lender.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That any person or

Money loaned

persons who shall procure a loan or advance of money, or goods

and chattels, wares or merchandise, to aid him, her, or them in the business of timber-getting, planting, farming, or any other kind of business in this State, from any factor, merchant, firm, or person in this State, or in the United States, or in any foreign government, shall, by this act, be held to have given to the lender or lenders a statutory lien, of prior dignity to all other incumbrances, saving and excepting liens for labor, upon all the timber-getting, all the products grown, or anything else made or grown by said person or persons, through the assistance of said loan or advance; and if any person or persons who have attained or procured an advance or loan, as aforesaid, shall sell, exchange, remove, secrete, or dispose of, in any manner, any of the things subject to the lien aforesaid, without the consent in writing of the person or firm from whom the loan or advance was obtained, such person or persons, on conviction thereof, shall be sentenced to a fine, at the discretion of the court, not to exceed five hundred dollars, or imprisonment in the county jail not to exceed twelve months; *Provided*, That the lien above given shall not be created unless the borrower or borrowers shall give to the lender or lenders an instrument of writing consenting to said lien, and the same shall be recorded in the records of the circuit court of the county where given.

may be made a lien upon everything made or grown thro' the assistance of the loan.

A misdemeanor to sell or remove anything subject to lien without written consent.

SEC. 2. That all laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Repeal.

Approved February 16, 1870.

CHAPTER 1,740.—[No. 10.]

A BILL to be entitled An Act Relating to Stevedores.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That from and after the passage of this act, any board of commissioners of pilotage in this State may grant licenses to competent and trustworthy persons, to act as stevedores in the port and harbor for which said board is appointed, but said board shall only grant such number of licenses as it may deem necessary, having regard to the business of the port and harbor; and no person shall be licensed except such as on examination prove competent to serve as stevedores. Said board shall require from each person licensed satisfactory bond, in penalty not to exceed three hundred dollars, for the proper performance of his duties as stevedore.

Boards of commissioners of pilotage may grant licenses to stevedores, and require from each satisfactory bond.

SEC. 2. That persons so licensed shall hold their licenses dur-

License to be

held during good behavior, but may be revoked for cause.

Board entitled to \$20 for each license.

Person acting as stevedore without a license to be fined or imprisoned.

Proceedings to be according to the law relating to misdemeanors.

A master may load with his own crew.

Licenses already issued not revoked.

This act to apply only where adopted.

Repeal.

ing good behavior; but any license may be revoked by said board on complaint, after due notice and hearing, if, in the opinion of said board, the misconduct, neglect of duty, or other cause of complaint, should be sufficient to justify such removal.

SEC. 3. That said board shall be entitled to twenty dollars for every person licensed as aforesaid.

SEC. 4. That any person acting as stevedore on a ship or other vessel, in any port or harbor of this State, without a license granted as aforesaid, shall be subject to a fine of fifty dollars, or shall be imprisoned for thirty days; and it is hereby declared that to constitute the offense prohibited by this act, it will be sufficient if it be found that the person accused has either actually exercised the duties of a stevedore as aforesaid, or by any contract, agreement, or engagement undertaken the work of loading a ship or other vessel as aforesaid, under which contract, agreement, or engagement such ship or other vessel is being loaded by himself or another as stevedore, or has in anywise made himself responsible as stevedore for the work of loading such ship or other vessel, and the work of loading is being done under such responsibility, whether said work be done by himself or by another; and every violation of this act, on the same ship or other vessel, on different days, shall for each day be deemed a separate offense.

SEC. 5. Prosecutions under this act shall be commenced and conducted according to the provisions of law relating to misdemeanors, and the judge or justice of the peace who may commit or bind over any person for trial, may require of any witness, whose testimony he may deem essential in such trial, a bond with satisfactory securities conditioned for his appearance at the court before which the trial is to be had.

SEC. 6. Nothing in this act shall be so construed as to prevent any master of a ship or other vessel from loading his own vessel with his own crew.

SEC. 7. Nothing in this act shall be construed so as to forfeit or repeal any licenses which have already been issued by the various boards of pilot commissioners in this State; *Provided*, That this act shall have no application to the city of Apalachicola or that of Key West, or to any other city, town, or port in this State which shall not adopt the same at an election to be held for that purpose.

SEC. 8. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved February 7, 1870.

CHAPTER 1,741.—[No. 11.]

A BILL to amend An Act entitled An Act for the Regulation of Pilots and Pilotage.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: That Section 10 of An Act entitled An Act for the Regulation of Pilots and Pilotage, approved August 3, 1868, which reads as follows: "That all vessels entering any port in this State, or leaving the same, shall be subject to, and pay the pilot performing duty on board his fees at the same rate or rates that are now paid in said port or ports where he may hold a license, excepting steamers or other vessels carrying the United States mails, and having on board their own pilots, which shall after the passage of this act be exempt from the paying of half rates of pilotage to which they are now subject. Also, all sailing vessels having a coasting license," be stricken out and the following Section inserted in lieu thereof:

Section repealed.

SEC. 10. That all vessels entering any port in this State, or leaving the same, shall be subject to, and pay the pilot performing duty on board his fees as follows: For vessels drawing six (6) feet or less two (2) dollars per foot; for vessels drawing six (6) feet to ten (10) feet, three (3) dollars per foot; vessels drawing from ten (10) feet to fourteen (14) feet, four (4) dollars per foot; vessels drawing from fourteen (14) feet to twenty (20) feet, five (5) dollars per foot; vessels drawing over twenty (20) feet, six (6) dollars per foot, where he may hold a license, excepting vessels carrying United States mails, and also, all vessels drawing less than six (6) feet of water, and having a coastwise license, which shall be exempt from paying whole or half pilotage unless they employ a pilot; *Provided*, That all vessels owned wholly by citizens of this State shall be exempt from any and all payment of pilot fees.

Fees to be paid pilot for vessels entering or leaving port.

Vessels owned by citizens exempt from pilot fees.

Approved February 19, 1870.

CHAPTER 1,742.—[No. 12.]

AN ACT to Amend the First and Second Sections of An Act to Provide for the Registration of Electors, and the Holding of Elections, approved August 6, 1868, so as to Provide for the Election of Representatives in Congress.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: The First and Second Sections of An Act entitled An Act to Provide for the Registration of Electors, and the Holding of Elections, approved August 6, 1868, are hereby amended to read as follows: *The People of*

Day of general election.

the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. A general election shall be held in the several counties in this State on the Tuesday next succeeding the first Monday in November in each year, in which general elections are to be held, for such of the following officers as are to be elected: That is to say, a Governor, Lieutenant-Governor, Representative in Congress, State Senators, and members of the Assembly, and such county officers as are to be elected in such year, as provided by the Constitution and laws.

Year of election for officers to be elected.

SEC. 2. A Governor and Lieutenant-Governor shall be elected in the year eighteen hundred and seventy-two, and every four years thereafter; Representative in Congress in the year eighteen hundred and seventy, and every two years thereafter; State Senators, in the even numbered districts, in the year eighteen hundred and seventy, and every four years thereafter; Senators, in the odd numbered districts, in the year eighteen hundred and seventy-two, and every four years thereafter, and members of the Assembly in the year eighteen hundred and seventy, and every two years thereafter. Constables and such other county officers as may be elected by the people, in the year eighteen hundred and seventy, and every two years thereafter.

Approved February 19, 1870.

CHAPTER 1,743.—[No. 13.]

AN ACT Designating the Days for Holding the County Courts of the Several Counties of the State.

Days for holding term of the county courts.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That from and after the first of April next, the terms of the several county courts of this State shall be as follows: For Escambia, Gadsden, Hamilton, St. Johns, and Alachua, on the first Mondays in January, March, May, July, September, and November; for Santa Rosa, Liberty, Suwannee, Nassau, Sumter, and Manatee, on the second Mondays in January, March, May, July, September, and November; for Walton, Wakulla, LaFayette, Clay, Brevard, and Monroe, on the third Mondays in January, March, May, July, September, and November; for Holmes, Leon, Baker, Volusia, Dade, and Hernando, on the fourth Mondays in January, March, May, July, September, and November; for Jackson, Jefferson, Bradford, Orange, Levy, and Hillsborough, on the first Mondays in February, April, June, August, October and December; for Calhoun, Madison, Duval, and Marion, on the second Mondays in February, April, June, August, Oc-

tober, and December ; for Franklin, Columbia, Putnam, and Polk, on the third Mondays in February, April, June, August, October and December ; for Washington, Taylor, and all new counties that may be organized, on the fourth Mondays in February, April, June, August, October, and December ; *Provided, however,* When the day established by law in any county for holding the circuit courts, and the day above established for holding the county courts be the same, then, and in that case, the county courts shall in such county be held on the Monday preceding the Monday upon which it would have been held.

Days for holding term of the county courts.

SEC. 2. *Be it further enacted,* That all laws and parts of laws conflicting with the true intent and meaning of this act be, and the same are hereby, repealed.

Repeal.

Approved February 18, 1870.

CHAPTER 1,744.—[No. 14.]

AN ACT granting Equal Privileges on Public Conveyances.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. It shall be unlawful for any railroad company, steamboat, stage, or other common carrier in this State, to deny to any person or persons whatever, the right of conveyance upon their particular line or route, upon such person or persons paying or offering to pay the usual fare, rate, or the stipulated sum of money for passage ; and all persons shall have equal privileges of accommodation and conveyance on all railroads, steamboats, stages, and other public means of travel in this State ; *Provided,* That this act shall in no wise be construed to prevent any such railroad, steamboat, stage, or other public carrier from refusing to carry, or ejecting from their property intoxicated persons, and such persons whose conduct shall endanger the safety of property, and the comfort and convenience of the public.

All persons to have equal privileges on public conveyances.

Proviso.

SEC. 2. That any violation of the provisions of this act on the part of the managers or employees of any railroad, steamboat, stage, or other public conveyance, shall be held to be a misdemeanor, and be punished, in the first instance by a fine of one hundred dollars, and, for every repetition of the offence, by a fine of three hundred dollars, to be recovered in a court of competent jurisdiction.

Violation of this act to be a misdemeanor.

Approved February 19, 1870.

LAWS OF FLORIDA.

CHAPTER 1,745.—[No. 15.]

AN ACT for the Preservation of the Public Peace and Order.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That the Governor shall have power in cases of insurrection or rebellion, violence, disorder, or insecurity of life, liberty, or property, to support and preserve the public peace and order by the military force of the State.

The Governor may preserve peace and order by military force.

County in which the military is used to reimburse the State for expenses by special tax.

SEC. 2. That any county in which such military force shall be employed for the purposes aforesaid, shall re-imburse the State for expenses incurred thereby, and the county commissioners of such county shall be, and are hereby, authorized and required to levy a special tax to pay such expenses, and the tax assessor and collector of such county shall assess and collect and make return thereof in the same manner as required by law for State taxes.

Approved February 16, 1870.

CHAPTER 1,746.—[No. 16.]

AN ACT to amend the thirty-first Section of An Act entitled An Act relating to Jurors, approved July 28, 1868.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: The thirty-first Section of An Act entitled An Act relating to Jurors, approved July 28, 1868, shall be, and is hereby, amended to read as follows: SECTION 31. It shall be the duty of the clerk of the circuit court at the end of each term of circuit court, or within ten days thereafter, to make out a certificate to each juror, certifying the number of days of attendance, the number of miles travelled, and the amount of compensation due him, which shall be allowed by the Comptroller as other demands against the State.

State to pay circuit court jurors on certificate of clerk.

Approved February 7, 1870.

CHAPTER 1,747.—[No. 17.]

AN ACT to make the Justices of the Peace Coroners in their Respective Counties.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That from and after the passage of this act each and every justice of the peace shall

Justices of the peace made

be *ex officio* coroners of their respective counties, and shall perform all the duties pertaining to the same.

ex-officio coroners.

SEC. 2. That for all services performed as such they shall be entitled to the fees now prescribed by law.

Entitled to fees prescribed by law.

Approved February 16, 1870.

CHAPTER 1,748.—[No. 18.]

AN ACT to Exempt Maimed Persons from Professional and Occupational Tax.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That any persons who have lost one or both their arms or legs, from any cause whatsoever, shall not be subject to any professional or occupational tax within this State; but this shall not be so construed as to permit any other person or persons to receive the benefits of this exemption who are not entitled to it, by associating themselves with those entitled to the exemption in any manner whatever, and in order to prevent such, the tax assessor or collector, or whoever may be charged with the assessment or collection of said taxes, may administer an oath to the party exempt, and compel him to disclose the interest any one may have in the profession or occupation he follows.

Maimed persons not subject to professional or occupational tax.

SEC. 2. That all laws in conflict with this act are hereby repealed.

Repeal.

Approved February 14, 1870.

CHAPTER 1,749.—[No. 19.]

AN ACT further Defining the Duties of Cabinet Officers.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That hereafter, when any member of the Cabinet shall desire to absent himself from the State he shall be permitted to do so upon notifying the Governor in writing of such intention.

Members of cabinet.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

Repeal.

Passed over the veto of the Governor February 17, 1870.

CHAPTER 1,750.—[No. 20.]

AN ACT to Provide for Shipping Masters in this State.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: That there shall be created in and for the several ports of this State one or more shipping masters, to be appointed by the mayor with the consent of the common council of each city or incorporated town in this State, whose business it shall be to provide and ship crews for vessels, and seamen, in accordance with the laws of the United States whenever required to do so by proper authority representing the vessel or owners.

Shipping masters to be created for ports. SEC. 2. That before or upon obtaining the license hereinafter provided for, said shipping masters shall execute a bond with two good and sufficient securities, to be approved by the mayor, in the sum of two thousand dollars, payable to the mayor and his successors in office, conditioned for the honest and faithful transaction of all business appertaining to his office and occupation; and if any shipping master or other person by his consent, procurement, advice, or connivance shall be found guilty of harboring, concealing, or enticing away any marine or seamen from a vessel, or encouraging any marine or seamen to mutiny or disobey lawful orders, he or they shall, in addition to the punishment now provided by law for every such offence under this act, be fined and forfeit for the use of the port or town for which he is appointed not less than one hundred, nor more than one thousand dollars, at the discretion of a jury; said cause to be tried in the county court on the complaint of the mayor or party agrieved.

Bond to be given. SEC. 3. That the mayor and council may grant license in conformity to this act, under such rules and regulations as they may prescribe, and such ordinances and orders as in their judgment may be most conducive to the interests of their port, and for the government of the shipping, and for the welfare and protection of the marine and seamen, subject to the laws of the United States, and for the direction and government of said shipping masters, as they may deem proper, and the same at any time to amend or revoke, and to impose fines for the violation of such rules, ordinances, orders, and regulations, *Provided*, Such fines so imposed, by city authority, under this act, shall not exceed fifty dollars for each offence in violating said rules, orders, regulations, or ordinances.

Mayor and council authorized to grant licenses and impose fines for violation of rules. SEC. 4. If any person shall attempt to exercise the calling of, or falsely represent himself as a shipping master in this State, who has not been licensed and appointed and conformed to this act, such persons, for any such offence, shall be fined and im-

Fines limited.

Person exercising the calling of or representing himself as a ship-

prisoned at the discretion of the judge of the county court, not to exceed five hundred dollars, and the imprisonment not to exceed six months. That all laws and parts of laws conflicting with the true intent and meaning of this act be, and they are hereby, repealed.

ping master,
without li-
cense.

Approved February 19, 1870.

CHAPTER 1,751.—[No. 21.]

AN ACT Granting Liens to Artisans, Mechanics and Others, and Providing for the Enforcement thereof.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That whenever any person shall cause any house, vessel, or thing of any kind to be built, made, or erected by any contractor, artisan, or mechanic in this State, such contractor, artisan, or mechanic, shall be, and is hereby, authorized and empowered to keep in possession, and retain such house, vessel, or thing of any kind built, made, or erected by him, until he be fully paid and satisfied for his skill, labor, and materials, whether the contract be written or verbal.

Contractor,
artisan, or me-
chanic author-
ized to keep in
his possession
the house, ves-
sel, &c., built
or made by
him, until ful-
ly paid.

SEC. 2. That the courts of this State shall be open at all times to hear any cause or controversy under this act, and may give final judgment and decree at chambers, and issue execution immediately; and written pleadings shall not be required under this act, it being the true intent and meaning of this act to open wide the courts of this State, untrammelled by pleadings or forms, to secure payment for the work of man's hand, and to give thereto that lien which is founded in a natural equity.

Courts to be
kept open to
hear causes
under this act.

SEC. 3. That all laws and parts of laws conflicting with the true intent and meaning of this act be, and are hereby, repealed.

Repeal.

Approved February 18, 1870.

CHAPTER 1,752.—[No. 22.]

AN ACT to Amend An Act entitled An Act for the Pay of State Attorneys and County Judges, approved February 1, 1869.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: The Second Section of the Act providing for the Pay of State Attorneys and County Judges, ap-

Section re-
pealed.

proved February 1, 1869, shall be, and is hereby, repealed, and the following section enacted in lieu thereof as the second section of said act:

Fees of county judges.

SECTION 2. The judges of the county courts of the State of Florida shall be paid five (5) dollars per day for each day of any term of the court, when not sitting as a court of probate, and three dollars for each case docketed; which fee shall be taxed as other costs; *Provided*, That a prepayment of fee shall in no case be demanded to the prevention of justice. Besides this they shall receive no other compensation but their probate fees. The county commissioners of each county may prescribe the number of days in each term beyond which such per diem shall not be paid.

Approved February 19, 1870.

CHAPTER 1,753.—[No. 23.]

AN ACT in Relation to Sheriffs, Tax Collectors, and Assessors and their Sureties.

States attorneys to have power to compromise and settle suits on bonds of sheriffs, &c.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That the State Attorneys in the several judicial districts of this State, with the approval and consent of the circuit judge and the Comptroller of the State, shall have the power to compromise and settle, on such terms as may appear to them to be for the interests of the State, all suits in which the State of Florida is a party heretofore brought on the official bonds of Sheriffs, Tax Assessors and Collectors and their Securities, for liabilities incurred prior to the first day of May, A. D. 1865, and now pending in the several courts of this State.

Repeal.

SEC. 2. *Be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

Approved February 18, 1870.

CHAPTER 1,754.—[No. 24.]

AN ACT for the Payment of Tax Assessors for Enrolling the Militia of this State.

Preamble.

WHEREAS, By the provisions of An Act entitled An Act to provide for Organizing and Disciplining the Militia of this State, approved by the Governor August 6, 1868, it is made the duty of the county assessors of each and every county in this State to enroll all the inhabitants subject to military duty; AND WHEREAS, The law fixes no compensation for the services of the said assessors,

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: That for enrolling the names of each and every person subject to military duty the county assessors shall receive five cents, to be paid as other claims against the State.

Fees of assessors for enrolling the names of persons subject to military duty.

Approved February 11, 1870.

CHAPTER 1,755.—[No. 25.]

AN ACT to amend An Act entitled An Act for the Assessment and Collection of Revenue.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: That Section Fourteen of the aforesaid act, which reads as follows: No county, city, or town shall levy a tax for license exceeding fifty per cent. of the amount levied by the State, be, and the same is hereby, repealed.

Limit to county, city, and town tax on licenses, repealed.

Approved January 21, 1870.

CHAPTER 1,756.—[No. 26.]

AN ACT Relating to Cities.

WHEREAS, The Legislature of this State by the passage of An Act entitled An Act to provide for the Incorporation of Cities and Towns, and to establish a Uniform System of Municipal Government in this State, approved February 4, 1869, did not intend said act to affect the organization of any city or town made under or by virtue of An Act entitled An Act to provide for the Incorporation of Cities and Towns, and to establish a Uniform System of Municipal Government in this State, approved August 4, 1868; therefore,

Preamble.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That all acts, doings, and proceedings made and had, or hereafter to be made and had, by any mayor, board of councilmen, or any other city officer in any city of this State, organized in pursuance of An Act entitled An Act to provide for the Incorporation of Cities and Towns, and to establish a Uniform System of Municipal Government in this State, approved August 4, 1868, and while in the performance of their duties under said organization, are hereby declared legal and valid.

Acts of city officers under law of 1868 declared legal.

Became a law without the Governor's signature, February 3, 1870.

LAWS OF FLORIDA.

CHAPTER 1,757.—[No. 27.]

AN ACT in relation to Misdemeanors.

Grand jurors
to make inquiry
and presentment
for misdemeanors.

Indictments
to be certified
to the county
courts.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows : That hereafter the grand jurors empannelled to inquire in and for the body of the county for which they are respectively summoned, shall make inquiry and presentment of all persons charged with misdemeanors, and, in all cases where indictments are found, make due and proper report thereof to the circuit court of the county in which the inquiry and presentment were made ; and the circuit judge will cause the proper order to be entered of record, certifying all such indictments to the proper county courts, for the trial of the persons therein charged.

Approved February 19, 1870.

CHAPTER 1,758.—[No. 28.]

AN ACT to Provide the Manner of Establishing lost Comptroller's Warrants and Treasury Certificates.

Comptroller to duplicate
lost warrants upon state-
ment and bond
of owner.

To apply to
treasury cer-
tificates.

Duplicates to
be of same va-
lidity as origi-
nals.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows : SECTION 1. That the Comptroller of Public Accounts be, and he is hereby, required to duplicate any comptroller's warrants that may have been lost or destroyed, or may hereafter be lost or destroyed, upon the owner thereof, his agent or attorney, presenting to the Comptroller the statement, under oath, reciting the number, date, and amount of any warrant, or the best and most definite description within his knowledge, and the circumstances of its loss, and upon filing in the office of the said Comptroller a bond, with his securities, to be approved by one of the judges of the circuit or justices of the Supreme Court, in a penalty of not less than twice the amount of any warrants so duplicated, conditioned to indemnify the State of Florida and any innocent holders of the original thereof from any damages that may accrue from such duplication.

SEC. 2. *Be it further enacted,* That the provisions of Section 1 of this act shall in like manner apply to the Treasurer of the State, for the establishment of lost or destroyed treasury certificates.

SEC. 3. *Be it further enacted,* That any duplicate comptroller's warrants or treasury certificates, issued in pursuance of this act, shall be of the same validity as the originals were before their loss.

Approved February 19, 1870.

CHAPTER 1,759.—[No. 29.]

A BILL to be entitled An Act to Authorize the Comptroller to Pay a Commission for the Sale of State Bonds.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That the Comptroller is authorized, in the event of a sale of the bonds of the State of Florida now under his control for the purpose of being sold, to allow and pay a commission not exceeding five per cent. of the face of the bonds so sold, and that none of the money received from said sale shall be paid out, except by express legislative appropriation. And the sale of said bonds shall be concluded only upon the basis of United States currency, and shall be paid into the State treasury in the form of such current money.

Comptroller authorized to pay a commission for sale of State bonds.

Became a law without the signature of the Governor, January 17, 1870.

CHAPTER 1,760.—[No. 30.]

AN ACT Repealing An Act to Authorize the Comptroller to Pay a Commission for the Sale of the State Bonds.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: That the Act entitled An Act to authorize the Comptroller to pay a commission for the sale of State bonds, which act became a law January 17, 1870, without the approval of the Governor, be, and the same is hereby, repealed.

Repeal.

Approved February 16, 1870.

CHAPTER 1,761.—[No. 31.]

AN ACT Regulating the Sale of Bonds.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. The Governor is hereby authorized and directed to take immediate steps to procure money to defray the expenses of the present session of the Legislature, and for this purpose the bonds issued in pursuance of the acts, approved August 6, 1868, and February 1, 1869, entitled An Act to fund the Outstanding Debt of the State, which remain unsold at the passage of this act, are hereby placed at his disposal.

State bonds placed at the disposal of the Governor.

Proceeds of
sale how to be
appropriated.

SEC. 2. The proceeds of the sale or hypothecation of said bonds shall be paid into the State Treasury, and be appropriated as follows: First, To defray the expenses of the present session of the Legislature; second, to redeem the hypothecated bonds in New York; and third, to discharge the interest on the outstanding bonds, and pay the floating indebtedness of the State, in compliance with Sections four and five of the Act entitled An Act to Fund the Outstanding Debt of the State, approved August 6, 1868.

Repeal.

SEC. 3. The third section of the above mentioned act, approved August 6, 1868, and Sections two, three, and four of the above mentioned act, approved February 1, 1869, and all other acts and parts of acts inconsistent herewith, are hereby repealed.

Approved February 14, 1870.

CHAPTER 1,762.—[No. 32.]

AN ACT further Defining the Duties of the Comptroller of this State.

Comptroller
authorized to
issue warrants
for over pay-
ments.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: That whenever it shall appear to the satisfaction of the Comptroller of this State, from examination of the books of his office, that the collector of revenue or the sheriff for any county in this State has paid in to the State Treasurer, through mistake or otherwise, a larger or greater sum than is actually due from said collector or sheriff, then it shall be lawful for said Comptroller to issue a warrant to said collector or sheriff for the sum so found to be overpaid.

Approved February 16, 1870.

CHAPTER 1,763.—[No. 33.]

AN ACT to repeal An act entitled "An act to enforce the laws against the violation of the Sabbath day in Monroe County," approved December 29, 1854.

Repeal.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: That Chapter 704, No. 95, of the Acts of the State of Florida, approved December 29, 1854, entitled An Act to enforce the laws against the violation of the Sabbath day in Monroe County, be, and the same is hereby, repealed.

Approved February 16, 1870.

LAWS OF FLORIDA.

45

CHAPTER 1,764.—[No. 34.]

AN ACT to Fix and Define the Boundary Lines of Volusia County.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That what is known as "Old River," running on the south and west side of what is known on the maps of public surveys as "Huntoon's Island," be, in connection with the St. Johns river, the boundary line between Volusia and Orange counties.

Boundary line between Volusia and Orange county.

SEC. 2. That all laws and parts of laws conflicting with the provisions of this act be, and the same are hereby, repealed.

Repeal.

Approved February 14, 1870.

CHAPTER 1,765.—[No. 35.]

AN ACT to be entitled An act to alter and Define the Boundary Line between the counties of Alachua and Bradford.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That all that part of Alachua county lying north of Santa Fe river and east of Santa Fe lake be, and the same is hereby, annexed to Bradford county.

Bradford county enlarged.

SEC. 2. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Repeal.

Approved February 3, 1870.

CHAPTER 1,766.—[No. 36.]

AN ACT to Establish the Florida Agricultural College.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. The Florida Agricultural College is hereby established.

College established.

SEC. 2. The design of this institution is to "teach such branches of learning as are related to agriculture and the mechanic arts, without excluding other scientific and classical studies, and including military tactics, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life."

Design [of the college.

Trustees.

SEC. 3. Wm. J. Keyser, Wm. D. Bloxham, O. Bronson, Chandler H. Smith, John L. ReQua, J. H. Roper, C. H. Pearce, C. Thurston Chase, their associates and successors, are hereby constituted a body corporate by the name of the trustees of the Florida Agricultural College, and are invested with the general powers of a corporation for the purpose of accomplishing the design set forth in the preceding section, and such other purposes as are herein stated, with succession as provided, and the right to use a corporate seal.

Trustees may remove members and fill vacancies.

SEC. 4. Said trustees shall have power to remove any member from said corporation when, by continued neglect or refusal, he fails to perform his duties, or when by reason of age or infirmity he shall have become permanently incapable of performing them. They shall fill by election any vacancy that may occur in their board, subject to the approval of the judges of the Supreme Court.

Duties of trustees.

SEC. 5. They shall assemble for their first meeting on the call of the Superintendent of Public Instruction, and elect a president, vice-president, secretary and treasurer, and an executive committee of three members, who shall be empowered to act on behalf and under the direction of the board between the regular meetings of the same, together with such other officers as may be needed; and to fix the tenures of office, and determine upon all other matters relating to such officers or committees, and make all needful regulations for the management of the affairs of the board. A majority of the board, or of any committee, shall constitute a quorum for the transaction of business.

Quorum.**Trustees to be paid their expenses.**

SEC. 6. The trustees shall receive no compensation for their services while attending any of the meetings of the board, but may be allowed their necessary expenses while going to, from, and attending such meetings.

Agricultural land scrip vested in the trustees.

SEC. 7. Said trustees are hereby authorized to claim and receive from the Secretary of the Interior the agricultural college land scrip to which this State is entitled by act of Congress, July 2, 1862, and acts supplemental thereto. Said scrip is hereby transferred and assigned to and vested in the trustees of the Florida Agricultural College and their successors and assigns forever. They shall, when in their judgment it will best promote the object for which they are chosen, sell and assign the scrip, or locate and thereafter transfer and convey the lands, and use the proceeds as herein directed.

Proceeds of sale of scrip, how to be invested.

SEC. 8. Ten per centum of the proceeds of the sales of the scrip, or of the lands, may be expended for the purchase of a site for an experimental farm. The remainder of the proceeds shall be invested in the stocks of the United States or of some of the States of this Union, bearing an annual interest of not less than six per centum on their par value, and shall remain a permanent fund forever. The annual interest of the fund shall be regular-

ly applied without diminution to the purposes set forth in section 2 of this act. Donations may be received for specific purposes, and shall be applied to the objects for which they were granted.

Interest, how applied.
Donations.

SEC. 9. No portion of the principal or interest of the fund shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation or repairs of any building or buildings, or for expenses incurred in selling the scrip, locating the lands, or in managing the funds of the lands. No scrip, lands, or property of whatever kind that may be obtained and held by said corporation under this act, whether of buildings, grounds, farm, workshops, fixtures, machinery, apparatus, cabinets, library, furniture, or other valuables shall be encumbered, aliened, or otherwise disposed of by the said trustees, or by any other person or persons, contrary to the provisions of this act, except on such terms as the Legislature shall have previously approved, and any act of said trustees or any other person or persons, which shall have or be intended to have such effect, shall be void.

Principal and interest, how shall not be applied.

Disposition of property how to be made.

SEC. 10. The trustees shall, within the time prescribed by Congress, determine upon the location of the college at some healthy and conveniently accessible point, which location shall be as near the centre of the State as possible, and take the necessary measures to open the same for the reception of students. They shall purchase or obtain by gift, grant, or otherwise, in connection with the college, a tract of not less than one hundred acres of land, to be used as an experimental farm, or for the location of workshops, or otherwise to promote the objects of the institution.

Location of the college.

Experimental farm.

SEC. 11. In pursuance of the act of Congress making the grant of agricultural college lands, it is hereby declared that all necessary expenses incurred in procuring and selling the scrip, or in examining, selecting, locating, and managing the lands, in taxes, in the management and disbursement of the moneys received from the sale of the scrip or of the lands, and of the interest arising therefrom, and in the regular execution of the provisions of this act, are legitimate charges against the State of Florida. The trustees shall keep accurate accounts of all such expenses, and present them, duly authenticated, to the Comptroller, who shall audit the same and prepare bonds of convenient denominations, to be signed by the Governor and Comptroller, with the seal of the State affixed thereto, having not more than twenty years to run, and bearing an annual interest of not less than six per centum, and deliver said bonds to said trustees at their market value in payment of said debt.

Expenses to be charged against the State, and paid in bonds.

SEC. 12. Said trustees shall have the right to deposit funds in the State treasury received from the sale of scrip or of lands, and to demand of and receive from the Comptroller their equiv-

Trustees may deposit funds in the State Treasury, to

remain a distinct fund, and receive bonds therefor.

alent in bonds of this State at their market value. Said bonds to be executed in manner, form, and with rate of interest as aforesaid. Said deposited funds shall, when required by the trustees, be and remain a separate and distinct fund, and shall be set apart for the exclusive purpose of paying the expenses growing out of the regular execution of the provisions of this act.

Trustees to choose president, professors, &c.

SEC. 13. The board of trustees shall choose a president of the college, and such professors, teachers, superintendents, and employees as the necessity of the institution may demand. They shall fix their compensation, define their duties, limit their powers and the duration of their terms of office; also, make all general provisions for the management of the college in its several departments. They may limit the number of students and confer appropriate degrees.

Faculty of the college.

SEC. 14. The president, professors, and superintendents of said college, and the secretary of the board of trustees, shall constitute the faculty of the college.

Duties of the Faculty.

SEC. 15. The faculty shall have the immediate charge and management of the college and farm; shall determine the basis of admission, the length of complete and partial courses of study, the studies to be pursued, and the text-books used; also, the daily hours for labor and of attendance upon the exercises of the institution. They shall likewise make all needful rules and regulations for the government and discipline of the students, and for promoting, in the highest degree, their morals, health, decorum, and scholastic advancement; all which shall be subject to revision, alteration, or rejection by the board of trustees.

College open for students at lowest expense.

SEC. 16. The several departments of the college shall be open to applicants for admission at the lowest rate of expense consistent with the welfare and efficiency thereof as herein provided, and without further distinction as to class or locality, to wit: Each county shall be entitled to send annually, or so often as vacancies may occur, one student for each member of the Assembly from that county; such students shall be selected by the boards of public instruction of the several counties from among the most advanced pupils in the common and higher schools therein who may present themselves as candidates. Each county board of public instruction shall annually, or as often as vacancies occur, which should be filled by the county, give early notice of such vacancy, and of the time and place of the meeting for the examination of candidates. The county board shall then and there, by themselves or with the assistance of such persons as they may appoint, examine said candidates, and select those best qualified as to scholastic attainments, good health and upright moral character, and furnish them with certificates of selection for admission, subject to the re-examination and approval of the faculty of the college. In case any board of instruction fails to at-

Each county entitled to send one student for each member of the assembly, how selected.

When applica-

tend to the above duty, then pupils holding high rank in their schools in that county may make application in person to the faculty of the college, and be examined and admitted on the same terms as they would have been had they passed a preliminary examination before the board of instruction of their county. But in case vacancies remain unfilled, students may be selected from the State at large by the faculty.

SEC. 17. The Comptroller is authorized to make examinations, from time to time, as he may see fit, into the actions and doings of said trustees, to the end that he may ascertain whether the funds committed to them are and have been managed according to the letter and intent of this act. Said trustees shall report to the Comptroller annually on the first day of October, in such form as the Comptroller may direct, the amount of land or land scrip sold, the prices and terms of sale, the amount of money received therefor, the disposition made thereof, and the expense incurred in the sale.

SEC. 18. The trustees shall make an annual report to the Superintendent of Public Instruction on or before the first day of October, to be by him printed with his report and laid before the Legislature at the beginning of each regular session. Such report shall give a full exposition of the financial condition of the corporation, the progress and improvements made, the nature, cost, and results of experiments, and such other matters, including State industrial and economical statistics, as may be supposed useful; one copy of which the Superintendent shall transmit by mail to each of the other colleges, which were endowed under the provisions of act of Congress of July 2d, 1862; also a copy to the Secretary of the Interior, and one to each house of Congress.

SEC. 19. The Legislature may add other departments of learning to this college when the endowment of such departments shall have been provided for.

SEC. 20. The Justices of the Supreme Court shall constitute an examining committee, with power to investigate the affairs of the college and the corporation, and to appoint proxies to act in their stead.

Approved February 18, 1870.

CHAPTER 1,767.—[No. 37.]

AN ACT to authorize the Governor to ask for and receive the Agricultural Land Scrip from the United States.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That the Governor

tion may be made to the Faculty.

When students may be selected at large.

Comptroller authorized to examine into actions of the trustees.

Trustees to report to the Comptroller.

Trustees to report to Superintendent Public Instruction.

Distribution of reports.

Legislature may add other departments.

The justices of the supreme court an examining committee.

LAWS OF FLORIDA.

is hereby authorized to ask for and receive from the Government of the United States, the Land Scrip to which the State may be entitled, under and by virtue of the act of Congress of July 2, 1862, providing for Agricultural Colleges in the several States, and that the Governor shall make that disposition of the said scrip which the said act of Congress requires.

SEC. 2. All parts of laws conflicting with this act are hereby repealed.

Approved February 19, 1870.

[NOTE.—The above, found in the office of Secretary of State among the bills passed at the present session, signed by the presiding officers of the Senate and Assembly, the secretary and clerk of each respectively, and on February 19th approved by the Governor, is upon these facts inserted. No evidence, however, of its passage in either House, in my opinion, appears in their journals, as required by the Constitution to make it a law.—ATTORNEY-GENERAL.]

CHAPTER 1,768.—[No. 38.]

AN ACT to Incorporate the Jacksonville and St. Augustine Railroad Company, and to Perfect one of the Public Works of the State.

Persons vested with corporate rights.

Powers.

Where the road shall commence.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That Abijah Gilbert, Frank H. Palmer, F. A. Dockray, Harrison Reed, Alva A. Knight, John R. Scott, C. H. Pearce, E. Fortune, W. J. Purman, and George S. Greeno, and such other persons as may become associated with them by becoming stockholders in said company, their successors and assigns, are hereby created and shall forever be a body politic and corporate, by the name and style of The Jacksonville and St. Augustine Railroad Company, and by such name shall be capable in law to purchase, receive, hold, and convey, and quietly enjoy lands and tenements, goods and chattels, property of every kind and effects, whatsoever the same may be, and the same to grant, sell, and mortgage, and convey and dispose of, to sue and be sued, to plead and be impleaded, to contract and be contracted with, to make a common seal, and at pleasure to alter or break the same, to ordain, establish and put in execution such by-laws and regulations as may be deemed necessary and expedient for the government of, and for conducting the business of said corporation, not being in conflict with the laws of the United States and of the State of Florida.

SEC. 2. *Be it further enacted,* That said railroad shall commence at a convenient point opposite the city of Jacksonville, having always reference to the depth of water, convenience of

landing, and the construction of wharves; said point to be determined by the engineer of said company, with the approval of a majority of the directors of the company.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall be five hundred thousand dollars, divided into shares of one hundred dollars each, which capital stock may be increased to an amount not exceeding seven hundred thousand dollars, from time to time, when found necessary by estimate of the engineer of the company and approved by a majority of the directors thereof. Books of subscription shall be opened within thirty days after the passage and approval of this act, under the supervision of J. S. Adams, Horatio Jenkins, Jr., and John S. Driggs, who are hereby appointed commissioners for that purpose, and the said commissioners, or a majority of them who shall act, are fully authorized and empowered to receive subscriptions of stock in said company; but said commissioners shall not, on their own account, subscribe to the capital stock. Books of subscription may be kept open until the whole capital stock is subscribed.

Capital stock.

Books to be opened.

SEC. 4. *Be it further enacted*, That when all the capital stock is subscribed, notice shall be given in some newspaper published in Florida, that a meeting of the stockholders will be held at the time and place designated in said notice, for the purpose of electing directors, who shall be chosen from the stockholders of said company. Stockholders shall be entitled to one vote for each share of stock held by them, and stockholders may vote by proxy; a majority of votes shall be necessary to constitute a choice for one year, or until new directors are duly elected. The directors so elected shall continue in office one year, or until new directors are duly elected. The directors so elected shall, from their own body, choose a president, and in like manner, in each and every year, the directors and president shall be chosen. Vacancies which may occur in their body between the periods of the annual elections may be filled by said directors; *Provided*, That if from any cause there should be no election, the corporation shall not be dissolved, but the directors and other officers then in office shall continue in office, with all the powers herein mentioned, until the election of new directors shall take place.

Directors and president.

Vacancies how filled.

Failure to hold election not to dissolve the corporation.

SEC. 5. *Be it further enacted*, That said directors or a majority of them may make such rules and regulations, and such by-laws, for the payment of stock and for all other purposes, as they may deem expedient and proper. Said company may by their directors elect and employ all other officers, such as secretary, treasurer, agents, engineers, and superintendents, and discharge them at pleasure.

Powers of directors.

SEC. 6. *Be it further enacted*, That said company shall have the right and privilege to construct said railroad, with a branch

Right of way. road or roads, for the transportation of passengers, goods, wares, and merchandise, and all other articles whatsoever, through any of the lands of the State of Florida, and the right of way is hereby given for the same two hundred feet in width, with the right to take stone, timber, earth, and materials from any land belonging to the State, to be used in the construction, maintenance, and repair of said road and its branches.

May receive conveyances of land and material.

How to proceed when the owner and company cannot agree.

Jurors to be sworn.

Property acquired to belong to the company in fee simple.

Fares.

State lands granted upon consent of the trustees of the Internal Imp. Fund.

SEC. 7. *Be it further enacted*, That the president and directors of said company are hereby authorized to contract for and receive conveyances of land, timber, and other materials which may be required by the directors in the construction, operating, maintenance, and repair of said railroad; and when the owner and the company cannot agree upon the price, or when the owner is an infant, non-resident, or *non compos mentis*, then it shall be lawful for the president and directors of said company to apply to the sheriff of the county in which said lands are located, who shall summon a jury of three disinterested freeholders, a majority of whom shall be authorized to assess the damages and return their award or judgment to the term of the circuit court of the county in which the said lands or other property may be located, which shall be entered by the clerk as the judgment of the court, and execution may issue thereon for the amount of said judgment and costs. Before proceeding to the discharge of the duties herein required, the jurors summoned as aforesaid shall take an oath or affirmation, to be administered by the sheriff, that they will well and truly inquire in, and to the best of their judgment assess, the damages to the owner of said land or materials, by means of the proposed construction.

SEC. 8. *Be it further enacted*, That property so assessed and paid for by said railroad company in conformity with the provisions of this Act, and all donations from any source for the same, shall forever afterwards belong to and become the property of said railroad company, its successors and assigns, in fee simple, in proportion to the number of shares held by the stockholders respectively. Subscriptions to the capital stock of said railroad company may be made in land, labor, and material, upon such terms as may be agreed upon by the directors and the owner or owners thereof.

SEC. 9. *Be it further enacted*, That the directors of said company shall have the right to demand and receive such prices and sums for fare, and the transportation of freight, produce and merchandise, as may be authorized and fixed by the by-laws of said company.

SEC. 10. *Be it further enacted*, That in order to aid said company in the immediate construction of their line of railroad and its branches, there is hereby granted to said company, by and with the consent of the trustees of the Internal Improvement Fund, all the lands belonging to the State of Florida, and

known as "Swamp or Overflowed lands," within six miles on each side of said line of railroad and its branches, and in addition to said lands one hundred thousand acres of "Swamp and Overflowed Lands," to be selected by said company from the lands adjoining or nearest to said line of railroad; *Provided*, That the said line of railroad shall be commenced within one year after the passage of this act, and completed within one year thereafter; *And provided further*, That the proceeds by sale of all the lands hereby granted to said company shall be applied exclusively, as far as necessary, to the purpose of reclaiming said lands by means of drainage, or like means; *And provided further*, That the titles to said lands shall vest in said company only as the construction of the railroad progresses, to wit: That on the presentation to the trustees of the Internal Improvement Fund of a certificate of the president or engineer of said company that five miles of said road have been fully completed, the said trustees shall then make a conveyance to said company of one-eighth of the total amount of all the lands granted to said company, and thereupon full and complete title to the same shall be vested in said company, and so on for every five miles as the road progresses.

Proviso.

When and how conveyances of land to be made.

SEC. 11. *Be it further enacted*, That the principal and interest, not exceeding seven per cent. per annum, of the bonds of said company, to the amount of five hundred thousand dollars, are hereby guaranteed, and the Comptroller is hereby authorized and directed in pursuance hereof to endorse said bonds; *Provided*, That said bonds shall be endorsed by the Comptroller only as the construction of said road progresses, to wit: That on the presentation to the Comptroller of a like certificate as is provided for in section 10, the Comptroller shall endorse the bonds of the company to an amount equal to one-eighth of the whole amount authorized by this act to be guaranteed and endorsed; *Provided further*, That in case of the failure of the said company to make two successive payments of the interest due at the time when the same may become due, the Comptroller upon due notice shall have the right to foreclose upon said railroad, its franchises, lands, road-bed, iron, and equipments, and the same shall be sold to the highest bidder for cash for payment of said interest so become due and unpaid; *And provided further*, That said company may issue first mortgage bonds, which shall be secured upon the lands of said company, its road-bed, iron, equipments, and franchise, both corporate and of use, reserving to the State the lien created as aforesaid in default of two successive payments of the interest due on said bonds.

Bonds of the company guaranteed.

How and when to be endorsed.

Comptroller may foreclose for failure to pay interest.

SEC. 12. *Be it further enacted*, That all lands which may hereafter be granted to the State by act of the Congress of the United States for the benefit of the Jacksonville and St. Augustine Railroad Company, are by this act granted and set over, with

All lands hereafter granted to the State for the company,

granted by this act. full and complete title, to the said railroad company, subject to such conditions and provisions as may be enacted by the act of Congress granting the same.

SEC. 13. *Be it further enacted*, That this company shall have succession for ninety-nine years; that no stockholder's property shall be liable for any greater sum than the unpaid amount of stock for which he has subscribed; that this act shall be deemed and held a public act, and the courts of this State shall take judicial notice thereof without special pleading.

Liability of stockholder.

This a public act.

Repeal.

SEC. 14. *Be it further enacted*, That An Act entitled An Act to Incorporate the Jacksonville and St. Augustine Railroad Company, approved August 3, 1868, is hereby repealed.

Approved February 18, 1870.

CHAPTER 1,769.—[No. 39.]

AN ACT to Incorporate the Great Southern Railway Company, and to Perfect one of the Public Works of the State.

Preamble.

WHEREAS, It is the true intent and meaning of an act of the Legislature of Florida, entitled An Act to Provide for and Encourage a Liberal System of Internal Improvements in this State, approved January 6, 1855, and of An act entitled An Act to Perfect the Public Works of the State, approved June 24, 1869, and all amendments to the said acts, that new routes of rail and water communication in addition to those designated in said acts, shall be opened and established; AND WHEREAS, The public policy of this State favors the most liberal legislation in aid of such individuals or corporations as shall have for their object the development of the resources of the State, the establishment of external and internal commerce, the promotion of domestic trade and industry, and the general improvement of the country; therefore,

Persons vested with corporate rights.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That Harrison Reed, George B. Carse, William H. Gleason, Thomas W. Osborne, Marcellus L. Stearns, Horatio Jenkins, jr., Chas. M. Hamilton, Edward H. Reed, William J. Purman, Charles H. Pearce, and Josiah T. Walls of the State of Florida, and A. C. Osborne of the State of New York, and such other persons as may become associated with them by becoming stockholders in said company, their successors and assigns, are hereby created and shall forever be a body politic and corporate, by the name and style of the Great Southern Railway Company, and by such name shall be capable in law to purchase, receive, hold, and convey and quietly enjoy lands and tenements, goods and chattels, property

Powers.

of every kind and effects, whatsoever the same may be, and the same to grant, sell, and mortgage, and convey and dispose of, to sue and be sued, to plead and be impleaded, to contract and be contracted with, to make a common seal, and at pleasure to alter or break the same, to ordain, establish, and put in execution such by-laws and regulations as may be deemed necessary and expedient for the government of and for conducting the business of said corporation, not being in conflict with the laws of the United States and of the State of Florida.

SEC. 2. That this company shall have the right to construct, equip, and operate a line of railroad which shall commence at some point at or near King's Ferry on the St. Mary's River in the State of Florida, which point shall be determined and located by the board of directors of said company, thence to the city of Jacksonville or by way of Jacksonville, thence in a southerly direction, *via* Palatka, by the most practicable route to the most southern available harbor on the coast or keys of Florida, to be determined by the board of directors; and said company may build and operate such branch road or roads as may be necessary to establish connection with the more remote parts of the State of Florida, and to perfect an important part of the system of internal improvements in this State.

Where road to commence and terminate.

May build and operate branch roads.

SEC. 3. That the said company may own and sail steamships and other sea going vessels in connection with said railroad to any port or ports of the West India Islands and South America, or of the United States, and such line of steamships or other vessels shall be considered to be an integral part of said railroad, and in connection with said road shall constitute one continuous through line for the transportation of freight and passengers between the St. Marys river and the West Indian Islands and South America, to be known as the Great Southern Railway Company, and said company shall have the right to construct and operate lines of telegraph on the route of said railroad and its branches, connecting with any shore or cable lines of telegraph said company may establish.

May own steamships.

May construct telegraphs.

SEC. 4. That the capital stock of said company be ten millions (10,000,000) of dollars, divided into shares of one hundred dollars each. Books of subscription shall be opened within sixty days after the passage of this act, under the charge and supervision of Henry D. Cook, of the city of Washington, and George N. Hubbard and Samuel L. Merrill, of the State of New York, who are hereby appointed commissioners for that purpose, and the said commissioners, or a majority of them who shall act, are hereby authorized and empowered to receive subscriptions to the stock to said company, but said commissioners shall not on their own account subscribe to the capital stock; *Provided*, That said books of subscription may be opened and subscriptions made either in the State of Florida, or in the city of New York, or

Capital stock.

Books to be opened.

Proviso.

both. The books of subscription shall be kept open until the whole capital stock is subscribed.

Election of directors and president.

SEC. 5. That when all the capital stock is subscribed, notice shall be given in some newspaper published in Florida, and in the city of New York, that a meeting of the stockholders will be held at the time and place designated in said notice, for the purpose of electing directors, who shall be chosen from the stockholders of said company. Stockholders shall be entitled to one vote for each share of the stock held by them, and stockholders may vote by proxy. A majority of votes shall be necessary to constitute a choice of directors. The directors so elected shall continue in office one year, or until new directors are duly elected. The directors so elected shall from their own body choose a president, and in like manner in each and every year the directors and president shall be chosen. Vacancies which may occur in their body between the periods of the annual elections may be filled by said directors; *Provided*, That if, from any cause, there should be no election, the corporation shall not be dissolved, but the directors and other officers then in office shall continue in office with all the powers herein mentioned until the election of new directors shall take place.

Vacancies how filled.

Failure to hold election not to dissolve the corporation.

Powers of directors.

SEC. 6. That said directors or a majority of them may make such rules and regulations and such by-laws for the payment of stock, and for all other purposes, as they may deem expedient and proper. Said company may, by their directors, elect and employ all other officers, such as secretary, treasurer, agents, engineers, and superintendent, and discharge them at pleasure.

Draws to be built over navigable rivers.

SEC. 7. That in the construction and operation of said road the said company shall have the right to build all bridges necessary to enable the railroad or any of its branches to cross any rivers or streams; but in crossing navigable rivers or streams, suitable draws shall be constructed to admit and provide for the passage of all steamboats and other water craft usually navigating such rivers or streams, and said draws shall at all times be kept in good order, and shall be opened whenever necessary to the commerce of said rivers or streams.

Right of way.

SEC. 8. The said company shall have the right and privilege to construct said railroad with a branch road or roads for the transportation of passengers, goods, wares, and merchandise, and all other articles whatsoever, through any of the lands of the State of Florida; and the right of way is hereby given for the same two hundred feet in width, with the right to take stone, timber, earth, and material, from any lands belonging to the State, in the construction, operation, and repair of said railroad and its branches.

May receive conveyances of land and material.

SEC. 9. That the president and directors of said company are hereby authorized to contract for and receive conveyances of land, timber, and other materials which may be required by the

directors in the construction, operation, and repair of said road, and when the owner and the company cannot agree upon the price, or when the owner is an infant, non-resident, or *non compos mentis*, then it shall be lawful for the president of said company to apply to the sheriff of the county in which said lands are located, who shall summon a jury of three disinterested freeholders, a majority of whom shall be authorized to assess the damages and return their award or judgment to the term of the circuit court of the county in which the said lands or other property may be located, which shall be entered by the clerk as the judgment of the court, and execution may issue thereon for the amount of said judgment and costs. Before proceeding to the discharge of the duties herein required, the jurors summoned shall take an oath or affirmation, to be administered by the sheriff, that they will well and truly inquire into and to the best of their judgment assess the damages to the owner or owners of said land or materials by means of the construction.

How to proceed when the owner and company cannot agree.

Jurors to be sworn.

SEC. 10. The property so assessed and paid for by said railroad company in conformity with the provisions of this act, and all donations from any source for the same, shall forever afterward belong to and become the property of said railroad company, its successors and assigns, in fee simple, in proportion to the number of shares held by the stockholders respectively. Subscription to the capital stock of said railroad company may be made in land, labor, and material, upon such terms as may be agreed upon by the directors and the owner or owners thereof.

Property acquired to belong to the company in fee simple.

SEC. 11. That the directors of said company shall have the right to demand and receive such prices and sums for fare and the transportation of freight, produce, and merchandise as may be authorized and fixed by the by-laws of said company.

Fares.

SEC. 12. That in order to promote the speedy success of the public work contemplated by this act, there is hereby granted to the said company, with the consent of the Trustees of the Internal Improvement Fund, the same number of acres of land per mile of the lands known as swamp and overflowed lands, granted to the State by act of Congress of September 28, 1850, as may hereafter be granted to said company by the United States, in aid of the construction of the proposed line of railroad and branches, and the said lands are hereby granted, subject to the provisions of the act of Congress of September 28, 1850, granting the same to the State; and said lands shall be selected by the said company from those located nearest to the line of said railroad.

State lands granted upon consent of trustees of Int. Imp. Fund.

Where to be selected.

SEC. 13. That said company may issue coupon bonds of such denomination and value, and bearing such rates of interest, and payable at such time and places as the board of directors may determine, and may issue such other evidences of indebtedness as the said board of directors may determine, and said bonds

May issue bonds and other evidences of indebtedness.

and other evidences of indebtedness shall be as a lien or mortgage, first on the road beds, iron, equipment, workshops, depots, and franchises, both corporate and of use, of the said company, and second on the lands of the said company.

Certain provisions of the general incorporation law applicable.

SEC. 14. That Sections 20, 21, 30, 33, 34, 35, 36, 38, and 39, of An Act entitled An Act to provide for the Creation of Corporations and to Prescribe their General Powers and Liabilities, approved August 8, 1868, are hereby made specially applicable to the said company, for all the purposes of its corporation, and shall be deemed and held a part of this act, and all acts and parts of acts heretofore passed, in any way interfering or inconsistent with this act, in case any rights and powers created thereunder have not vested by law, are hereby repealed.

Repeal.

Liability of stockholder.
This a public act.

SEC. 15. That the company shall have succession for ninety-nine years; that no stockholder's property shall be liable for any greater sum than the unpaid amount of stock for which he has subscribed; that this act shall be deemed and held a public act, and the courts of this State shall take judicial notice thereof without special pleading.

Approved February 19, 1870.

CHAPTER 1,770.^a—[No. 40.]

AN ACT to Incorporate the Gulf Steamship Company, and to Perfect the Public Works of the State.

Persons vested with corporate powers.

Rights and powers.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That Aaron Barnett, John B. Clark, Daniel P. Holland, and Samuel Benezet, their successors, associates, and assigns, be, and they are hereby, constituted a body corporate and politic, under the name and style of the Gulf Steamship Company, and as such shall have and use a common seal, may sue and be sued, plead and be impleaded, may purchase and hold real and personal property, and ships or vessels propelled in whole or in part by steam, and other water craft of every description; may own, erect, manage, and keep wharves and warehouses, sell, lease, or rent the same at pleasure; may carry on a general warehouse, produce, commission, and exchange business; may carry on their ships, water craft or steamboats, goods, wares, and merchandise, property and passengers, from and to any port or ports in the State of Florida, or elsewhere in the United States or foreign countries, by sea or river navigation, and charge therefor; may make, by purser, captain, or agent of the company, local or through bill of lading from or to any place or railroad, or connecting or transporting goods, merchandise, property, or passengers, by

any conveyance, by rail, steam, or sail to final destination; and may limit their responsibility, and prescribe what the liability of the company shall be, by setting forth in their bills of lading, receipts, or contracts, what the liability of the company shall be, for which it shall be responsible, and no greater liability or obligation shall be held or had against said company than that contained in the bills of lading, receipts, or contracts, signed by or for the said company. Said company may transact and carry on a general and special insurance business; and the ships or steamers chartered by or consigned to said company for foreign or domestic trade shall be included in this act and covered in the same. Said company shall have the power to receive deposits, and to issue certificates of deposit therefor, and to engage in a general brokerage business.

May limit responsibility.

SEC. 2. The said corporators, associates, successors, and assigns shall have the power to determine the amount of the capital stock of the company, not to exceed two millions of dollars, the shares of which shall be one hundred dollars each, transferable only upon the consent and by the order of the company. They shall have the power to prescribe rules, by-laws, and regulations for the organization, direction, and management of said company; to prescribe the number of officers, their term of service, and duties. They shall elect among themselves a president and board of directors from time to time, according to the rules prescribed by them, and, in addition to the powers heretofore conferred, said company shall have full power to carry on and conduct an express business, similar to ordinary express companies; to contract and be contracted with for the sale, exchange, chartering or employing ships, steamboats, water craft, real, personal or mixed property, also to issue change bills or promises to pay of said company, not to exceed fifty thousand dollars; to lend or borrow money; to establish agencies in the United States and foreign countries; to take and require, if the company shall deem proper, bonds of their officers, agents, servants, or employees for the faithful performance of their duties; to make conveyances, and to execute all legal instruments of every character, and all contracts, as natural persons can or may do, under the corporate name and style of the Gulf Steamship Company, and generally to exercise all the rights and privileges incident to bodies politic and corporate.

Capital stock.

President and directors.

Power to conduct an express business, and other powers.

SEC. 3. The ships, steamboats, or other water craft of this company, and all vessels or steamers consigned to or chartered by said company, may cross or enter any bar, or enter or leave any port of this State with or without pilots, and all city authorities shall furnish said company all aid and assistance in their power to extend the commerce of their port or ports, and to build up the trade of the State of Florida.

Water craft of the company may cross bars, enter and leave ports without pilots.

SEC. 4. The said company are hereby charged with the execu-

Power to improve the channel of the Apalachicola river.

\$200,000 State bonds appropriated.

Bonds to be delivered to the president, and how to be used.
How this section to be executed.

Trustees of the Int. Imp. Fund relieved from act of 1861.

Intent and meaning of this act.

This a public act.

Repeal.

tion and completion and perfecting the public works of this State in improving the channel of the Apalachicola river, and for that purpose the said company is invested with full powers to open, clear, and improve, in any way that is in their judgment the most feasible, the channel of the Apalachicola river, including what is known as Moccasin Slough, and for that purpose there is hereby appropriated coupon bonds of the State of Florida to the amount of two hundred thousand dollars, of like character and denomination, form and style, as the bonds prescribed in the amendatory act passed at this session of the General Assembly, entitled An Act to alter and amend An Act entitled An Act to Perfect the Public Works of this State, approved June 24th, 1869. Said bonds shall be delivered to the president of said company, and applied to the exclusive use of making said channel navigable and perfecting that public work. That the Governor, Comptroller, and Treasurer shall cause this section to be executed under such rules and regulations and security as they may prescribe; and no further action shall be taken by the Trustees of the Internal Improvement Fund under an act entitled An Act to Improve the Navigation of the Apalachicola River, and to Reclaim the Swamp and Overflowed Lands on said Stream, approved February 14, 1861, it being the true intent and meaning of this section that it is to relieve the Internal Improvement Fund of its liability under said act, and perfect the public works of this State.

SEC. 5. That nothing in this act shall be so construed as to impede or hinder commerce, but the true intent and meaning of the act shall be taken to be to aid, and assist, and promote commerce; to perfect the public works; to relieve the Internal Improvement Fund of liability under the act of 1861 above described, and to aid in developing the commerce and trade of Florida ports.

SEC. 6. That this act shall be held and deemed to be a public act, and shall have equal force and effect with and as all statutes of a public nature; and all laws and parts of laws conflicting with the true intent and meaning of this act be, and they are hereby, repealed.

Approved February 9, 1870.

CHAPTER 1,771.—[No. 41.]

AN ACT to Incorporate the Santa Rosa Railroad, Banking, and Insurance Company.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: That Wm. J. Keyser, S. B.

Hughes, M. S. Littlefield, John W. Butler, Joseph Gundershamier, E. L. Cater, and Alexander L. McCaskill, their successors, associates, be, and they are hereby, incorporated and made a body politic and corporate, by the name and style of the Santa Rosa Railroad, Banking, and Insurance Company, and invested with all the rights and privileges, powers and capacities of bodies corporate and politic, and subject to like liabilities, the principal office of which shall be located in the town of Milton, Santa Rosa county, at which place, and at no other, shall all suits or actions against said company be instituted; that the capital stock of said company shall be two million dollars, to be divided in shares of one hundred dollars each; that the said corporators, Wm. J. Keyser, S. B. Hughes, M. S. Littlefield, John W. Butler, Joseph Gundershamier, E. L. Cater, and Alexander L. McCaskill are hereby appointed commissioners, with powers and authority to open books of subscription for the capital stock of said company at Milton, and such other place or places as said commissioners may designate, with power to vest in one or more of their number the authority to receive subscriptions to the capital stock of said company, and to issue to them receipts for the same, to be exchanged upon organization of said company for certificates of stock, duly signed by officers of said company. That as soon as one hundred thousand dollars shall have been subscribed to the capital stock of this company, the subscribers shall proceed to elect seven directors from their number, these directors from their own number to choose a President, Secretary, and Treasurer, whose term of office shall be for one year, unless removed sooner for cause, by a meeting of stockholders, in which case the stockholders shall fill the vacancy caused by such removal by an election for the unexpired term of the late incumbent. The board of directors shall make such by-laws, rules, and regulations for the government of said company, its officers and employees, as they may deem necessary, the same to be changed at their pleasure. That the term for which this charter is granted shall be thirty-five years. That this corporation shall, and is hereby, authorized to sue and be sued, complain, defend, plead and be impleaded, in any court in law or equity as a corporate body, and in its name to contract and be contracted, and to make and use a common seal and alter the same at pleasure; to hold, buy, mortgage, or otherwise convey such real and personal estate as may be to the interest of said company, or necessary for purposes of the business of said company, or for the investment of its capital or the profits therefrom, not exceeding the amount of its capital stock, to and by its President, under direction of the board of directors; to appoint such subordinate officers and agents as the business of the company shall require, and allow them suitable compensation; to do an exchange business by sale of drafts payable at the offices of

Persons vested with corporate powers.

Capital stock.

Commissioners to open books.

Directors, president, &c.

Term of charter.

Powers.

their agents, either within the United States or abroad; to buy and sell notes, coin, currency, or representatives of money; to loan money, and take security therefor, to issue current notes or bills of said company, payable to bearer, and redeemable in freights or lawful money of the United States, in sums or denominations of not less than one dollar, and not more than five dollars, and generally to do and carry on a banking business; to own, hold, and manage vessels, propelled in whole or in part by steam or sail, according to the laws of the United States governing such vessels; to insure upon all property or persons that may desire insurance from said company against loss or death, or by endowment, and to issue policies of insurance for life or property, and otherwise to do and perform any and every act that may be necessary for the business of a railroad, banking, and insurance company. That the directors of said corporation shall have the power to exact from any officer or agent of said company good and sufficient bonds for the proper performance of the duties required by them; that the private property of the stockholders of said company shall only be liable for the debts and obligations of said company *pro rata*, according to the capital stock owned by each stockholder. That the capital stock of this corporation may be increased as provided by section thirteen of the general law for incorporation of companies, approved August eighth, A. D. eighteen hundred and sixty-eight; *Provided*, Such increase is voted for by at least one-half of the amount of stock issued. That meetings of the stockholders shall be called for the purpose of electing officers and transaction of general business at least once in every year, said meeting to be duly advertised for at least one month previously, and no special meeting shall be called or had of stockholders unless authorized by at least two-thirds of the board of directors. That said company shall have the right to build a railroad with one or more tracks from Milton, in Santa Rosa county, to the State line of Alabama, at or near Bruton's Station, in the county of Santa Rosa; but said road shall not be located out of the county of Santa Rosa, or be constructed outside the limits of said county, and said company are hereby confined in the building of their railroad, or of any railroad, to the county of Santa Rosa; but said company may connect with any road from Alabama, at the boundary of this State, in or at the county of Santa Rosa. Said company may consolidate with the Jacksonville, Pensacola, and Mobile Railroad Company, in which event, all the rights and privileges, franchises of use and being, and all legal matters in this act contained, and all rights, powers, and privileges herein granted, be, and they are hereby, transferred to said Jacksonville, Pensacola, and Mobile Railroad Company, and the said company empowered to take and enjoy the same, which consolidation can or shall only be effected by a majority of the capital

Private property liable *pro rata*.

Capital stock may be increased.

Proviso.

Meetings of stockholders.

May build railroad and consolidate with the Jacksonville, Pen. & Mobile R. R. Co.

stock of said company, which may have been subscribed for at the time such proposition for consolidation, if any, shall be made, and at a meeting of the stockholders of said company, and in case such consolidation is made, the Jacksonville, Pensacola, and Mobile Railroad Company shall obligate itself to complete, construct, and equip said road within three years from the time of said consolidation. That said company shall commence work within twelve months from the passage of this act, and shall complete said road within three years from the passage of this act.

When road shall be commenced and completed.

SEC. 2. That the railroad herein authorized to be built is a part of the public works of this State, and for the purpose of aiding and promoting said public work herein provided for, and hastening the completion of the same, the Governor shall cause to be delivered coupon bonds of the State of Florida bearing eight per cent. interest, payable semi-annually in the city of New York. The Governor shall designate the place where said payment shall be made in said city, for the purpose of aiding said public work, or railroad, to the extent of eight thousand dollars per mile of the length of said road, not to exceed fifty-five miles in length, which said bonds, at the rate of eight thousand dollars per mile, shall be delivered by the Governor to the president of said railroad, and be payable to bearer, when the president of said company shall have furnished satisfactory evidence to the Governor of having built, completed, and have ready for use as a first-class road five miles of said railroad, and for every five miles of said railroad when finished, built, completed, and ready for use as a first-class road, the Governor shall, upon satisfactory proof of the said section of road of five miles, deliver to the president of said company bonds as aforesaid, at the rate of eight thousand dollars per mile, and so on for every five miles of road so built, finished, and completed, and ready for use as a first-class railroad; and after said railroad is fully built, finished, and completed in its entire length, and ready for use as a first-class railroad, the Governor shall deliver to the president of said railroad, upon proof thereof, bonds as aforesaid, to the extent of two thousand dollars per mile, to aid said company in the equipment of said public work. Said bonds shall be signed by the Governor and attested by the Treasurer, and bear the great seal of the State, and shall bear date the day of their issue, and shall be due thirty years thereafter. They shall be of the denomination of one thousand dollars. The coupons for interest shall be payable to bearer, and shall be authenticated by the written or engraved signature of the Treasurer.

State aid extended, \$8,000 per mile in State bonds, to be delivered as sections of five miles are completed.

State aid extended for equipment \$2,000 per mile in bonds.

Bonds how signed, &c

Coupons.

SEC. 3. In exchange for the bonds of the State above described, the President of the company shall deliver to the Governor of the State coupon bonds of the company bearing a like rate of interest, payable to the State of Florida, signed by the Presi-

Bonds of the company to be given in exchange for the State bonds.

dent, and sealed with its corporate seal, coupons payable to the State of Florida, authenticated by the written or engraved signature of the President. The bonds shall be of such denomination not less than one thousand dollars, and principal and interest shall be payable at the same time and place as the aforesaid State bonds.

State lands in
Santa Rosa co.
granted.

Patents to be
delivered as
sections of five
miles are com-
pleted.

SEC. 4. For the purpose of, and in order to aid said company in perfecting this railroad, being one of the public works of this State, there is hereby given, granted, and disposed of in fee simple to the said company in the following manner: All, each, and every acre of land belonging to or owned by the State of Florida, or the Internal Improvement Fund thereof, and not heretofore conveyed or disposed of by law, which lands are situated, lying, and being in the county of Santa Rosa; and the Governor shall cause patents in fee simple to be given to said company, and delivered to the President, thus: When said company shall have finished, equipped, and completed five miles of their road, and the same is in use and in running order, deeds or patents as aforesaid, for one tenth part of said public lands, and for every five miles of road so finished, equipped, completed, and in use and running order, one-tenth part of said public lands, by patent or deed as aforesaid; and in like manner deeds or patents for said public lands shall be made out and delivered to the President for each section of five miles of their road when finished, built, equipped, completed, and in use and good running order, until the whole length of road herein authorized shall be finished, it being the true intent and meaning of this act, and this section, that no title to said lands shall be delivered to said company, or vest in said company, until they have finished, built, equipped, had in use and running order five miles of road of first-class, and then only for such portions in sections of five miles as is built, finished, equipped, completed, in use, and in running order.

State to have
lien on all
property of the
company.

SEC. 5. For the protection and additional security of the State in the issue of the bonds authorized by this act, the State shall have a statutory lien for the payment of principal and interest thereof, which statutory lien shall be valid to all intents and purposes as a mortgage duly recorded on the part of the company, on the whole entire length of road, and on all the railroad property of the company, real and personal, appertaining to the road, and upon all sums of money over and above the liabilities of the company, on its banking and insurance business, and on all the property of the company, real or personal, including its ships or vessels, together with all the rights, franchises of use and being, and powers of every character thereunto belonging, and in case of failure of the company to pay either principal or interest of its bonds, or any part thereof, for six months after the same, or any instalment thereof, shall become

due, it shall be lawful for the Governor to enter upon and take possession of the property of the company and of its franchise, and sell the same at public auction, for lawful money of the United States, to the highest bidder, at the city of Tallahassee, in front of the door of the Capitol, which said sale for lawful money shall be made at legal hours, and the money paid into the Treasury of the State in lawful money of the United States on the day of sale, or within three days thereafter, and the Governor shall give such public notice of the time and place of sale as he may prescribe, so as to protect the State. And as additional security for the State against loss, the said company shall make semi-annual reports to the Governor of the condition of the company, which said reports shall be made under oath of the President, and the Governor of this State shall, in addition to the seven directors herein provided for, have the power to appoint two fit and discreet citizens, to be a part of the board of direction of said company, whose special duty it shall be to guard the State from loss by reason of any act of said company; and in case of the sale of said road and the property of the company, as herein provided, the Governor, upon the payment of the purchase money as aforesaid, shall cause the purchaser to be put in possession, and thereafter said purchaser or purchasers shall be vested with all the property, real and personal, including vessels of said company, together with all its rights and privileges, franchises of use and being a corporation, and all the rights, privileges, powers, and capacities herein in this act contained, together with a franchise to exercise the same for thirty-five years from and after the day of sale; and such purchaser or purchasers may execute the powers in this act contained, and the rights and privileges in this act provided, under a new name and style, and have a new seal upon notifying the Governor thereof in writing.

Governor may take possession and sell after six months default.

The company to make semi-annual reports to the Governor.

Governor to appoint two directors.

Rights of purchaser.

SEC. 6. That the said company shall have the right and privilege to construct said railroad for the transportation of passengers, produce, goods, wares, and merchandise, and all other articles; and the right of construction and right of way, and of eminent domain, and of compensation therefor, is hereby granted, given, and provided for in the like manner, mode, and authority as is prescribed in the sixth section of An Act entitled An Act to Perfect the Public Works of this State, approved June 24, 1869, as it is published and found on page 30, chapter 1,716, (No. 4.) of published laws of this State of the Extra Session of 1869, beginning June 8, 1869, said laws being published in pamphlet form.

Right of construction and right of way.

SEC. 7. The directors of said company shall have the right to demand and receive such prices and sums for fare and transportation of freight, produce, and merchandise as may be authorized and fixed by the regulations of the company; to build and

Powers of directors.

State engineer.

construct all bridges necessary to cross any and all rivers ; but such bridges shall be furnished with draws so as not to impede the navigation of any river, and said draws shall always be kept in good order, and opened when necessary. That said road shall in all respects be a first-class road. That the Governor shall appoint a competent engineer to protect the interests of the State, by having a general supervision under this act, in like manner as is provided by the act aforesaid, entitled An Act to Perfect the Public Works of the State ; but said engineer shall receive no pay from the State.

This act not to impair vested rights.

SEC. 8. That nothing in this act contained shall be so construed as to impair any vested right, or to give to this company any right or privilege or power heretofore by the laws of this State given to or authorized to be exercised by any company, person, association, or corporation. That this act shall be held and deemed to be a public act. That said company shall keep

The company to keep separate books for each business.

separate books for its banking, insurance, and railroad business, and the funds thereof shall be kept separate, and reports of each made separate. And the necessary number of employees for each separate business of banking, insurance, and railroad business shall be appointed, and their duties prescribed by the board of direction. That no dividends on its banking or insurance business shall be paid to the stockholders until the railroad bonded debt to the State has been fully paid in principal and interest.

No dividends on banking and insurance business until State has been paid.

Road may be extended from Milton to point in Santa Rosa county, when State lands in Santa Rosa county to be withdrawn from sale.

SEC. 9. That said road may be extended from Milton to any point or place in Santa Rosa county, but to no other place in the State, whenever the condition of the company will justify the same.

SEC. 10. That upon the passage of this act the Governor shall by public notice withdraw from entry and sale all the lands in Santa Rosa county belonging to the State and the Internal Improvement Fund.

Repeal.

SEC. 11. That all laws and parts of laws conflicting with the true intent and meaning of this act be, and they are hereby, repealed.

Approved February 15, 1870.

CHAPTER 1,772.—[No. 42.]

AN ACT to Alter and Amend An Act entitled An Act to Incorporate the Santa Rosa Banking and Insurance Company, passed at the present session of this Legislature.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: That Section 5 of An Act entitled An Act to Incorporate the Santa Rosa Banking and Insur-

ance Company, which passed at the present session of this General Assembly, which reads as follows:

"SEC. 5. For the protection and additional security of the State in the issue of the bonds authorized by this act, the State shall have a statutory lien for the payment of principal and interest thereof, which statutory lien shall be valid to all intents and purposes as a mortgage duly recorded on the part of the company on the whole and entire length of the road, and on all the railroad property of the company, real and personal, appertaining to the road, and upon all sums of money over and above the liabilities of the company, on its banking and insurance business, and on all the property of the company, real or personal, including its ships or vessels, together with all the rights, franchises of use and being, and powers of every character thereunto belonging, and in case of failure of the company to pay either principal or interest of its bonds, or any part thereof, for six months after the same or any instalment thereof shall become due, it shall be lawful for the Governor to enter upon and take possession of the property of the company or of its franchise, and sell the same at public auction for lawful money of the United States, to the highest bidder, at the city of Tallahassee, in front of the door of the capitol, which said sale for lawful money shall be made at legal hours, and the money paid into the Treasury of the State in lawful money of the United States on the day of sale, or within three days thereafter, and the Governor shall give such public notice of the time and place of sale as he may prescribe, so as to protect the State; and as additional security for the State against loss, the said company shall make semi-annual reports to the Governor of the condition of the company, which reports shall be under oath of the president; and the Governor of this State shall, in addition to the seven directors herein provided for, have the power to appoint two fit and discreet citizens to be a part of the board of directors of said company, whose special duty it shall be to guard the State from loss by reason of any act of said company; and in case of the sale of said road and the property of the company, as herein provided, the Governor, upon the payment of the purchase money as aforesaid, shall cause the purchaser to be put in possession, and thereafter said purchaser or purchasers shall be vested with all the property, real and personal, including vessels of said company, together with all its rights and privileges, franchise of use and being a corporation, and all the rights, privileges, powers, and capacities herein in this act contained, together with a franchise to exercise the same for thirty-five years from and after the day of sale; and such purchaser or purchasers may execute the powers in this act contained, and the rights and privileges in this act provided, under a new name and style, and have a new seal upon notifying the Governor in

Section to be amended.

writing," be altered and amended so as to read and stand enacted as follows :

State to have
lien on all the
property and
franchises of
the company.

SEC. 5. For the protection and additional security of the State in the issue of the bonds authorized by this act, the State shall have a statutory lien for the payment of principal and interest thereof, which shall be a first and prior lien, and a first and greatest of all statutory or any other character of lien, and of prior equity and superior dignity to any and all kinds of obligation whatsoever, or any character of lien, claim, or demand whatsoever; which statutory lien shall be valid to all intents and purposes as a mortgage duly recorded on the part of the company on the whole and entire length of the road, and on all the railroad property of the company, real and personal, appertaining to the road, and upon its banking and insurance business, and on all the property of the company, real or personal, including its ships and vessels, together with all the rights, franchises of use and being, and powers of every character there-

Upon failure of
the company to
pay principal
or interest of
its bonds for
6 months, the
Governor to
take possession
and sell.

unto belonging, and in case of failure of the company to pay either principal or interest of its bonds, or any part thereof, for six months after the same or any instalment thereof shall become due, it shall be lawful for the Governor to enter upon and take possession of the property of the company and of its franchise, and sell the same at public auction for lawful money of the United States, to the highest bidder, at the city of Tallahassee, in front of the door of the capitol, which said sale for lawful money shall be made at legal hours, and the money paid into the Treasury of the State in lawful money of the United States, on the day of sale, or within three days thereafter, and the Governor shall give such public notice of time and place of sale as he may prescribe, so as to protect the State; and as additional security for the State against loss the said company shall make semi-annual reports to the Governor of the condition of the company, which said reports shall be under oath of the president; and the Governor of this State shall, in addition to the seven directors herein provided for, have the power to appoint two fit and discreet citizens to be a part of the board of directors of said company, whose special duty it shall be to guard the State from loss by reason of any act of said company; and in case of the sale of said road and the property of the company, as herein provided, the Governor, upon the payment of the purchase money as aforesaid, shall cause the purchaser to be put in possession, and thereafter said purchaser or purchasers shall be vested with all the property, real and personal, including vessels of said company, together with all its rights and privileges, franchise of use and being a corporation, and all the rights, privileges, powers, and capacities herein in this act contained, together with a franchise to exercise the same for thirty-five years, from and after the day of sale; and purchaser or

The company to
make semi-annual
reports to the
Governor.

The Governor
to appoint two
directors.

Governor to
put purchaser
in possession.

purchasers may execute the powers in this act contained, and the rights and privileges in this act provided, under a new name and style, and have a new seal upon notifying the Governor thereof in writing.

SEC. 2. That this amendatory act shall be held and deemed to be a public act, and all laws and parts of laws conflicting with this act be, and they are hereby, repealed. This a public act.

Approved February 13, 1870.

CHAPTER 1,773.—[No. 43.]

AN ACT to Incorporate the Pensacola and Barrancas Railroad Company.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That George E. Wentworth, W. J. Purman, John Varnum, Rollin A. Stearns, Frederick C. Humphreys, Asa B. Munn, Daniel E. Holland, Harry C. Campbell, Salvador J. Pons, their associates, successors, and assigns, be, and they are hereby, constituted a body corporate, under the name and style of the Pensacola and Barrancas Railroad Company, and by that name and style they and their successors shall for a term of twenty years have the exclusive right to build, maintain, construct, run, and manage a railroad with one or more tracks, side tracks, turnouts, and connections, depots, offices, shops, wharves, warehouses, and buildings as may be to the interest of said company, from a point or place in Escambia county known as the Five Fathom Hole, or a point adjacent thereto, on or in the Bay of Pensacola; said road to commence at a depth of twenty-four (24) feet of water, and to be built from that point to the land upon a good and substantial wharf; said wharf may have a bulkhead of two hundred and fifty feet. Thence the railroad is to be constructed through the corporate limits of the city of Pensacola, in a direction south and east, along, adjacent or near the said Bay of Pensacola, to and through, where necessary, the towns of Woolsey, Warrington, and Barrancas, the termini thereof to be at such point as the company may select on the Bay of Pensacola, near or below the Pensacola Navy Yard; said termini may extend into the Bay of Pensacola to a depth of twenty-four feet of water, upon such wharves as the company may erect for the business of the road, and the safety and convenience of its business and the public. Said company to have the right to cross, intersect by switch or otherwise, with any other railroad located or to be located in the county of Escambia. Also to erect, construct, and manage at any and all suitable points, between the point of

Incorporators.

Exclusive right to build a railroad, where.

Other rights.

commencement and termini of said road, on the said Bay of Pensacola, either within or outside the city or town limits of the city of Pensacola, such wharf or wharves, with a wharf front not exceeding two hundred feet for each wharf, to a depth of water not exceeding twenty-four feet, as the said company may find to be its interest to erect, with suitable rail connections, or side tracks, connecting with the main road or track of the company. The capital stock of said company shall not exceed two million dollars. They, by the name aforesaid, may have and use a common seal, sue and be sued, plead and be impleaded, in all and every court of justice, whether of law or equity, pass such by-laws, rules, regulations, and ordinances for the organization, management, and good government of the company, as to them may seem proper, and generally to have and exercise all and every the rights, privileges, and powers incident to a corporation or body corporate or politic, and they shall only be responsible for the amount of their subscription to the stock of said company, and no more liability shall appertain or attach to any stockholder of this company. The said company may raise money to build said road, and is authorized to negotiate loans by mortgage or otherwise, with powers of sale by mortgage, in accordance with the terms prescribed in the mortgage, in the event of a forfeiture of the mortgage, any laws to the contrary notwithstanding. The capital stock of the company shall be divided into shares of one hundred dollars each. The officers of said company shall consist of a president and seven directors, a secretary and treasurer, who shall be elected annually by the stockholders. All other officers, employees, and servants of the company shall be appointed in accordance with the by-laws and laws of the company. The corporators in this act shall hold the first election of the company within thirty days from the passage of this act, and the board of directors so chosen shall perform all the duties of the board of direction and the powers of this act until the next annual election, and all officers of the company shall hold their offices until their successors are chosen, in case of any failure to elect at the proper time. No meeting of the stockholders shall be called, except upon the order of three-fourths of the board of direction. Whenever a vacancy occurs in the board of direction, the president shall fill said vacancy. Said company may purchase or lease, or rent real or personal property, and may sell, mortgage, lease or rent the same, or any part thereof, and said company may make any and all contracts for its business and operations.

Capital stock.

General powers.

President and directors.

Meetings of stockholders how called.

May purchase and sell real estate.

Instalments on subscriptions.

SEC. 2. That said president and directors shall have power to require the stockholders of said company to pay instalments on their respective subscriptions for stock, until the same are fully paid; and upon failure of any stockholder to pay any instalment within thirty days after a demand shall have been made

upon him by a duly authorized agent of said company, his stock and all payments made heretofore thereon shall be deemed and taken to be forfeited to the company, at the option of the president and directors, who may, however, if they see fit, waive such forfeiture, and sue for said instalment, and obtain judgment and execution therefor.

SEC. 3. The rights of eminent domain are hereby vested in said company for the purposes of executing the powers in this act conferred. And when the owner is an infant, non-resident, *non compos mentis*, or in any wise incapable or unable to manage or attend to his or her or their own affairs, or is a corporation, an association or trustee, then it shall be lawful for the president of said company to apply to the sheriff of the county of Escambia, in which the land or other property may be situated, who shall summon a jury of seven disinterested freeholders, a majority of whom shall be authorized to assess the damages, and return their award or judgment to the next term of the circuit court of Escambia county, which award shall be entered by the clerk as the judgment of the court, and execution shall issue thereon as upon any other judgment; *Provided, always*, That if either party shall, upon the return thereof, be dissatisfied, they may, upon filing bond with good and sufficient security, to be approved by the judge of the circuit court for such sum as said judge may order, be allowed an appeal to the next term of the circuit court, when said case shall stand for trial *de novo*; *Provided, also*, Thirty days' notice shall have been given to the opposite party, issued by the clerk of the court, and served by the sheriff; and in no case shall proceedings under this section so operate as to delay the progress of the work on said railroad, or the operations of the company, or its business.

Rights of eminent domain vested in the company.

How to proceed when owner and Co. cannot agree.

SEC. 4. That the persons summoned as aforesaid shall, before proceeding to discharge of the duties herein required, take an oath or affirmation, which the sheriff is hereby authorized to administer, to the effect that they will well and truly inquire into and to the best of their judgment assess the damages accruing to the owners or owner of the property, and the property so condemned and estimated as aforesaid shall become the property of said company, upon payment of the damages assessed under this act. That in case any person shall wilfully injure or obstruct in any degree the road or other property of said company, he or they shall forfeit and pay to said company, as damages, five times the value of the injury or trespass sustained by the company, to be recovered by suit at law, and moreover be liable to indictment therefor, and upon conviction shall be punished by fine or imprisonment, or both, at the discretion of the court, with or without hard labor, and according to the enormity and magnitude of the offence or act committed.

Jurors to be sworn.

Persons willfully injuring or obstructing liable to forfeiture, fine, and imprisonment.

Fares.

SEC. 5. That said company may levy and collect such sums of money, toll or charges as they may determine for transporting persons and property, wharfage and transacting business, and may sell any and all property which has been received or earned by said company, for the freight and charges thereon, after thirty days, upon posting notice of said sale at the office of the company, and by publishing the same once a week for four weeks in some newspaper published in the city of Pensacola.

Sale of property for freight.

May connect with any road in West Florida.

SEC. 6. That said company may extend their railroad to any point in Escambia county, or connect with any railroad in West Florida.

This a public act.

SEC. 7. That this act shall be held and deemed to be a public act, and shall be taken judicial cognizance of and treated as all public laws; and that all laws and parts of laws conflicting with this act be, and they are hereby, repealed.

Repeal.

Became a law without the Governor's signature, February 12, 1870.

CHAPTER 1,774.—[No. 44.]

AN ACT Supplementary to An Act to alter and amend An Act entitled An Act to Incorporate the Pensacola and Barrancas Railroad Company, passed at the present Session of the Legislature.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: That Section 1 of an act entitled An Act to Incorporate the Pensacola and Barrancas Railroad Company, which passed at the present session of this Legislature, which reads as follows:

Section to be amended.

"SECTION 1. That Geo. E. Wentworth, W. J. Purman, John Varnum, Rollin A. Stearns, Frederick C. Humphreys, Asa B. Munn, Daniel P. Holland, Harry C. Campbell, Salvador J. Pons, their associates, successors, and assigns, be and they are hereby constituted a body corporate under the name and style of the Pensacola and Barrancas Railroad Company, and by that name and style they and their successors shall, for the term of twenty years, have the exclusive right to build, maintain, construct, run and manage railroad, with one or more tracks, side tracks, turnouts and connections, depots, offices, shops, wharves, warehouses, and buildings, as may be to the interest of said company, from a point or place in Escambia county, known as the "Five Fathom Hole," or a point adjacent thereto, on or in the Bay of Pensacola, said road to commence at a depth of twenty four (24) feet water, and to be built from that point to the land upon a good and substantial wharf; said wharf may have a bulkhead of two hundred and fifty (250) feet, thence the railroad to be constructed through the corporate

Section to be amended.

limits of the city of Pensacola in a direction south and east, along, adjacent, or near the said Bay of Pensacola, to and through, where necessary, the towns of Woolsey, Warrington and Barrancas, the termini thereof to be at such point as the company may select on the Bay of Pensacola, near or below the Pensacola Navy Yard; said termini may extend into the Bay of Pensacola to a depth of twenty-four feet water upon such wharves as the company may erect for the business of the road, and the safety and convenience of its business and the public; and said company to have a right to cross, intersect, or connect by switch or otherwise with any other railroad located or to be located in the county of Escambia; also, to erect, construct, and manage at any and all suitable points, between the point of commencement and termini of said road, on the said Bay of Pensacola, either within or outside the city or town limits of the city of Pensacola, such wharf or wharves, with a wharf front not exceeding two hundred (200) feet for each wharf, to a depth of water not exceeding twenty-four feet (24 ft.), as the said company may find to be its interest to erect, with suitable railroad connections or side tracks connecting with the main road or track of the company. The capital stock of said company shall not exceed two million dollars. They, by the name aforesaid, may have and use a common seal, sue and be sued, plead and be impleaded in all and every court of justice, whether of law or equity, pass such by-laws, rules, and regulations, and ordinances for the organization, management, and good government of the company, as to them may seem proper, and generally to have and exercise all and every the rights, privileges, and powers incident to a corporation or body politic, and they shall only be responsible for the amount of their subscription to the stock of the said company, and no more liability shall appertain or attach to any stockholder of this company. The said company may raise money to build said road, and is authorized to negotiate loans by mortgage or otherwise, with powers of sale by mortgage in accordance with the terms prescribed in the mortgage, in the event of a forfeiture of the mortgage, any laws to the contrary notwithstanding. The capital stock of the company shall be divided into shares of one hundred dollars each. The officers of said company shall consist of a president and seven directors, a secretary and treasurer, who shall be elected annually by the stockholders; all other officers, employees and servants of the company shall be appointed in accordance with the by-laws or laws of the company. The corporators in this act shall hold the first election of the company within thirty days from the passage of this act, and the board of directors so chosen shall perform all the duties of the board of direction and the powers of this act until the next annual election, and all officers of the company shall hold their offices until their successors are chosen.

In case of any failure to elect at the proper time, no meeting of the stockholders shall be called, except upon the order of three-fourths of the board of direction. Whenever a vacancy occurs in the board of direction, the president shall fill said vacancy. Said company may purchase, or lease or rent real or personal property, and may sell, mortgage, lease or rent the same, or any part thereof, and said company may make any and all contracts for its business and operations," be altered and amended so as to read as follows:

Persons vested with corporate powers.

Road to commence and terminate where.

Right to cross or connect with other railroads.

May erect wharves.

Capital stock.

SEC. 1. That Geo. E. Wentworth, W. J. Purman, John Var-num, Rollin A. Stearns, Frederick C. Humphreys, Asa B. Munn, Daniel P. Holland, Harry C. Campbell, Salvador I. Pons, their associates, successors, and assigns, be, and they are hereby, constituted a body corporate under the name and style of the Pensacola and Barrancas Railroad Company, and by that name and style they and their successors shall for the term of twenty years have the exclusive right to build, maintain, construct, run and manage a railroad with one or more tracks, side tracks, turnouts and connections, depots, offices, shops, wharves, warehouses, and buildings, as may be to the interest of the company, from a point or place in Escambia county, known as the "Five Fathom Hole," or a point adjacent thereto on or in the Bay of Pensacola, said road to commence at a depth of twenty-four (24) feet water and to be built from that point to the land, upon a good and substantial wharf; said wharf may have a bulkhead of two hundred and fifty (250) feet, thence the railroad to be constructed through the corporate limits of the city of Pensacola, in a direction south and west along, adjacent, or near the said Bay of Pensacola, to and through, where necessary, the towns of Woolsey, Warrington, and Barrancas, the termini thereof to be at such point as the company may select on the Bay of Pensacola, near or below the Pensacola Navy Yard; said termini may extend into the Bay of Pensacola to a depth of twenty-four feet (24) water upon such wharves as the company may erect for the business of the road, and the safety and convenience of its business and the public; said company to have the right to cross, intersect, or connect by switch or otherwise with any other railroad located or to be located in the county of Escambia, also to erect, construct, and manage, at any and all suitable points between the point of commencement and termini of said road on said Bay of Pensacola, either within or outside of the city or town limits of the city of Pensacola, such wharf or wharves, with a wharf front not exceeding two hundred (200) feet for each wharf, to a depth of water not exceeding twenty-four (24) feet, as the said company may find to be to its interest to erect, with suitable railroad connections or side tracks connecting with the main road or track of the company. The capital stock of said company shall not exceed two million

dollars. They, by the name aforesaid, may have and use a common seal, sue and be sued, plead and be impleaded, in all and every court of justice, whether of law or equity, pass such by-laws, rules and regulations, and ordinances, for the organization, management, and good government of the company, as to them may seem proper, and generally to have and exercise all and every the rights, privileges, and powers incident to a corporation or body politic, and they shall only be responsible for the amount of their subscription to the stock of the said company, and no more liability shall appertain or attach to any stockholder of this company. The said company may raise money to build said road, and is authorized to negotiate loans by mortgage or otherwise, by power of sale by mortgage, in accordance with the terms prescribed in the mortgage, in the event of a forfeiture of the mortgage, any laws to the contrary notwithstanding. The capital stock of the company shall be divided into shares of one hundred dollars each. The officers of said company shall consist of a president and seven directors, a secretary and treasurer, who shall be elected annually by the stockholders; all other officers, employees, and servants of the company shall be appointed in accordance with the by-laws or laws of the company. The corporators in this act shall hold the first election of the company within thirty days from the passage of this act, and the board of directors so chosen shall perform all the duties of the board of direction, and the powers of this act, until the next annual election, and all officers of the company shall hold their offices until their successors are chosen. In case of any failure to elect at the proper time, no meeting of the stockholders shall be called, except upon the order of three-fourths of the board of direction. Whenever a vacancy occurs in the board of direction the president shall fill said vacancy. Said company may purchase, or lease, or rent real or personal property, and may sell, mortgage, lease, or rent the same, or any part thereof, and said company may make any and all contracts for its business and operations.

May raise money by mortgage or otherwise.

President and directors.

First election.

Vacancies.

May purchase, sell, &c., real estate.

Became a law without the Governor's signature, February 25, 1870.

CHAPTER 1,775.—[No. 45.]

AN ACT to Incorporate the Monticello and Georgia Railroad Company.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That Smith Simkins, Robert Meacham, R. M. Henry, T. M. Palmer, John Denham, A. H. McCann, F. L. Villepigue, W. R. Long, J. W. Johnston, A. B. Grunwell, and J. D. Cole be, and they are hereby, appointed

Commissioners to open books.

commissioners to open books and receive subscriptions for stock in a railroad to be constructed from the town of Monticello, by the most practicable route to the Georgia line, in the direction of Thomasville, Georgia; a majority of whom are authorized to open books for the purpose of receiving subscriptions to the capital stock of said company at such times and places as they, or a majority of them, may think proper, upon giving public notice thereof of not less than twenty days, and shall keep the same open until the whole of the capital stock is subscribed.

Capital stock.

SEC. 2. That the capital stock of said company may be fifty thousand dollars, with the privilege of increasing the same to one hundred thousand dollars, should such an increase, in the judgment of the directors of said company, be found necessary for its construction and further management, and shall be divided into shares of one hundred dollars each.

May connect with road from Thomasville.

SEC. 3. That said railroad be, and is hereby, authorized to connect or intersect at the Georgia line with a railroad to be constructed from Thomasville, Georgia.

When to be incorporated.

SEC. 4. That as soon as thirty thousand dollars shall have been subscribed to the capital stock of said company, the subscribers of said stock, their successors or assigns, shall be, and are hereby, declared to be incorporated into a company, by the name of the Monticello and Georgia Railroad Company, and by that name shall be capable of purchasing, holding, leasing, and conveying real, personal, and mixed property, so far as shall be necessary for the purpose of this corporation, and by said incorporated name may sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity in this State or elsewhere, and to have and use a common seal, and the same to alter and amend at pleasure, to pass all by-laws, rules and ordinances for the good government of said corporation, as to them may seem proper, and generally to do all things necessary to carry into effect the objects of this act; and that said company shall have full power to sell, convey, and confirm to any other company its road, fixtures, rights, privileges, powers, and franchises hereby granted by this act of incorporation.

Powers.

SEC. 5. That as soon as thirty thousand dollars shall have been subscribed, and one-fifth part thereof paid in cash, the commissioners hereby appointed, or a majority of them, shall call a meeting of the subscribers, at such time and place as they may appoint, and at such meeting the said subscribers, or those holding a majority of shares in said company, shall elect by ballot seven directors to manage the affairs of said company, and the commissioners aforesaid, or a majority of them, shall be judges of said first election of directors, and the directors thus chosen shall elect from among themselves a president of said company, who shall be allowed such compensation as they may think proper, and on all occasions whenever a vote of stockholders

Directors and president.

shall be taken, each stockholder shall be allowed one vote for each share owned by him or her, and any stockholder may depute in writing any other person to vote and act for him or her, as his or her proxy.

SEC. 6. That the said president and directors shall be chosen annually by the stockholders of said company, and if any vacancy shall occur by death, resignation, or otherwise, of any president or director before the year for which they were elected shall have expired, such vacancy shall be filled by the president and directors, or a majority of them; and that the president and directors shall hold their office until their successors are chosen and qualified, and shall have power to call meetings of stockholders at any time, and the stockholders, by a majority of votes, may have power to remove the president or any director, and to fill all vacancies occasioned by removal at pleasure.

President and directors to be chosen annually, and may be removed.

SEC. 7. That the president and directors, or a majority of them, may appoint all such officers, engineers, agents, or servants, whatsoever, as they may deem necessary to carry on the business of said company, dismiss them at pleasure, and the majority of them shall determine the compensation of all said officers, engineers, agents, and servants; shall have power to pass all by-laws which they may deem necessary and proper for exercising all the powers vested in this company for carrying into effect the objects of this act; *Provided*, That such by-laws shall not be contrary to the laws of this State, or the United States; and said president and directors, or a majority of them, are empowered to borrow money to carry into effect the objects of this act, to issue certificates or other evidences of said loan, and to pledge the property of said company for the pay of the same, with the interest.

Powers of president and directors.

SEC. 8. That the said president and directors shall have power to require the stockholders of said company to pay such instalments on their respective shares of stock, and at such times and places, and either in money, materials, labor, or provisions, as they may think best for the interest of said company, and upon the refusal at any time of any stockholder to pay the instalment required on his, her, or their stock, in pursuance of any call made by the said president and directors as aforesaid, said president may, upon giving thirty days' notice, proceed to sell at public sale the share or shares of said stock owned by said stockholder, or such part as they may think proper, to the highest bidder; and if upon a sale of shares of stock owned by said defaulting stockholder, said stock should be sold for more than the amount due upon instalment as above mentioned, the excess, after deducting accruing interest and the necessary expenses of sale, shall be paid over to said defaulting stockholder.

Instalments when and in what may be paid.

SEC. 9. That the president and directors of said company are hereby authorized to contract for and receive conveyances of

May receive conveyances

of land and material.

How to proceed when owner and Co. cannot agree.

Party dissatisfied may appeal.

Jury to be under oath.

Company to own property upon payment of damages.

Wilfully injuring road.

Duty of magistrate upon complaint.

land, stone, lumber, wood, and all materials which may be necessary or required for the construction of said railroad; and when the owner and company cannot agree upon the price, or when the owner is an infant, non-resident, or *non compos mentis*, or in anywise incapable or unable to manage or attend to his, her, or their own affairs, then it shall be lawful for the president and directors of said company to apply to the sheriff of the county in which said land or other property may be situated, who shall summon a jury of seven disinterested freeholders, a majority of whom shall be authorized to assess the damages and return their award or judgment to the next term of the circuit court of the county in which said land or other property may be situated, which shall be entered by the clerk as the judgment of the court, and when by said company payment of said judgment is made, the land so appropriated to the use of the road may be used, owned, and occupied by said company for the use aforesaid; *Provided, always*, That if either party shall, upon the return thereof, be dissatisfied, they may, upon filing bond, with good and sufficient security, in such sum as the court may order, be allowed an appeal to the next term of the circuit court of said county, when said case shall stand for trial *de novo*; *Provided, also*, That thirty days' notice shall have been given to the opposite party, issued by the clerk of the court and served by the sheriff of the county, and in no case shall such appeal so operate as to delay the progress of the work of said railroad.

SEC. 10. That the persons summoned as aforesaid shall (before proceeding to discharge the duties herein required) take an oath or affirmation, which the sheriff is hereby authorized to administer, to the effect that they will well and truly inquire into, and to the best of their judgment assess the damages accruing to the owner or owners of such land, or materials, by means of the proposed construction, and that said lands or property so condemned and estimated as aforesaid, shall become the property of said company upon the payment of the damages assessed by said jury.

SEC. 11. That in case any person shall wilfully injure, or obstruct in any degree the road or roads, he shall forfeit and pay unto the said company three times the amount of all damages it may sustain in consequence thereof, to be sued for and recovered before any court having jurisdiction thereof; and, on complaint to any magistrate within whose jurisdiction such offence shall be committed, it shall be the duty of such magistrate to bind the person or persons so offending, with sufficient security for his or their good behavior, for the period of not less than one year; and such offender shall also be subject to indictment, and, on conviction, shall be sentenced at the discretion of the court to not less than three or six months' imprisonment.

SEC. 12. That after the completion of said road, or any part

thereof, the said president and directors may levy and collect tolls from all persons, property, merchandise, and other commodities transported thereon; *Provided*, The net profit of said road shall not exceed twenty-five per centum per annum, and shall provide convenient passages to travel over said road whenever it shall cross a public highway.

Tolls.

Proviso.

SEC. 13. That said company shall commence the building of said road within three years, and complete the same within fifteen years from the passage of this act.

When road to be commenced and completed.

SEC. 14. That nothing in this act shall be construed as to confer upon said company any right to exercise the powers of a banking company, or to issue any description of paper intended for current circulation.

No banking powers conferred.

SEC. 15. The certificates of stock shall be issued to the stockholders on payment of each instalment, which shall be transferable on the books of the company only, and by personal entry of the stockholders, or by his or her legal attorney or representative, duly authorized for that purpose.

Certificates of stock.

SEC. 16. All acts and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

Repeal.

Became a law without the Governor's signature, February 12, 1870.

CHAPTER 1,776.—[No. 46.]

AN ACT to incorporate the Upper St. Johns, Mellonville, and Tampa Railroad Company.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That Arthur Ginn, Matthew Stewart, M. R. Marks, Michael J. Doyle, Jacob Brooks, William B. Watson, John W. Price, John T. Lesley and Charles Moore be, and they are hereby, incorporated and made a body corporate in the name and style of the St. Johns, Tampa, and South Florida Railroad Company. That the said incorporators, Arthur Ginn, Matthew Stewart, M. R. Marks, Michael J. Doyle, Jacob Brooks, William B. Watson, John W. Price, John T. Lesley, or any two of them, are hereby appointed commissioners, with power and authority to open the books of said corporation for the capital stock of said company at Mellonville, Tampa, and Jacksonville, and at such other place or places as they may elect, with power to vest in one or more of their number the authority to receive the subscriptions to the capital stock of said company, and the cash payment hereinafter provided for, to issue to such subscribers receipts for the same, to be exchanged, upon the organization of said company, for certificates of stock duly signed by the officers of said company; that as soon as

Persons vested with corporate powers.

Books to be opened.

Directors and president. one hundred thousand dollars have been subscribed to the capital stock of said company, and the cash payment made herein-after provided for, the subscribers to said capital stock shall proceed to elect nine directors from their number, who shall immediately elect one of their number president of said company, and elect a secretary and treasurer, and superintendent from the stockholders of said company, all of whom shall hold their offices one year, unless sooner removed by two-thirds of the directors for incompetency, embezzlement, or other fraud and dishonesty, and in case of a vacancy in offices of secretary, treasurer, or superintendent, by death or resignation, the president shall fill said vacancy until a meeting of said board of directors. The board of directors shall have power and authority to make all necessary rules and by-laws for the government of said company, its officers, and employees as they may deem necessary, the same to be ratified by the stockholders while in session.

Powers. SEC. 2. Said company shall have the power to acquire and hold real estate and personal property either by purchase, gift, grant, bequest, or otherwise, to sell and convey the same by deed or otherwise to the purchaser thereof; to sue and be sued, plead and be impleaded in any court in this State as a corporate body, to contract and be contracted with in the same manner as a natural person, to have and use a common seal, and change its device at pleasure.

Capital stock. SEC. 3. That the capital stock of said company may be increased to any amount necessary for the building, completing, and furnishing the equipments and running stock on said Upper St. Johns, Tampa, and South Florida Railroad, with the trestles, turn-outs and all necessary appendage to run said road.

Right of company. SEC. 4. That said Upper St. Johns, Tampa, and South Florida Railroad Company shall have the right, privilege, and authority to build, excavate, and construct a road bed commencing at or near Mellonville, in Orange county, running the most eligible and convenient route to Tampa, in the county of Hillsborough, and thence to Charlotte's Harbor, and to make and complete the same with cross-ties and iron rail, to purchase and put the locomotives and other running stock thereon for the transportation of passengers, goods, and chattels of all kinds, and to charge pay therefor.

Right of way. SEC. 5. That the State of Florida hereby gives, grants, and quit claims unto said Mellonville, Tampa, and South Florida Railroad Company the right of way through any and all lands belonging to the State of Florida, one hundred feet on each side of said road bed. That said company shall have the right, privilege, and authority to construct their road bed through and over the land of another by complying with the following

rules : Said company shall offer and tender to said owner the amount designated by the chief engineer of said company to be paid for the damage done to said land by said railroad running through the same. If the owner or owners of any such land shall refuse to accept or receive the amount thus designated by the chief engineer of said company, the president or superintendent of said company shall immediately file his petition, describing the lands through which said road is intended to pass, the direction, as nearly as may be, and asking that a jury of twelve freeholders be summoned from the body of the county and not of kin to either party, in the office of the clerk of the circuit court, who shall forthwith issue his mandate directed to the sheriff of said county, commanding him to summon fifteen freeholders of said county, that twelve may be present at and upon the land sought to be taken for railroad purposes on a day certain, not to exceed five days from the issuing thereof. After having been sworn by any officer authorized to administer an oath well and truly to assess the damage done to such real estate by running said railroad through the same, together with the value of said land for one hundred feet on either side of said road bed, that said jury shall, after hearing such evidence as may be adduced by either party, render a verdict stating the amount of damages sustained by the owner or owners of said land, and deliver the same to said sheriff, who shall immediately return the mandate aforesaid, together with the verdict of said jury, to the clerk of the circuit court of said county, who shall file said petition in his office and enter and record said verdict in a book to be kept for that purpose ; that said president or superintendent shall immediately deposit the amount of damages named in said verdict, together with the costs of such proceeding, with the clerk of the circuit court of said county ; that said clerk shall pay the amount thus deposited to the owner or owners as soon as the said owner or owners shall make and execute a good and valid release to and for all and singular the land thus condemned to said railroad company, and which he shall thereupon record in his office. That as soon as the amount of money assessed by said jury is deposited by the officers of said company with the clerk of the circuit court, said company shall proceed to build and finish their road over and through the land thus condemned.

Proceedings
when owner
and company
disagree.

SEC. 6. That the capital stock shall be divided into shares of one hundred dollars each ; that the subscribers thereto, at the time of subscribing thereto, pay to any one of said commissioners one per cent. of the amount of his, her, or their subscriptions to said stock as aforesaid, which amount said commissioners are hereby authorized to receive.

Shares.

SEC. 7. That the said Mellonville, Tampa, and South Florida Railroad Company shall have and receive any and all rights,

To have rights
granted to

other rail- privileges and immunities heretofore granted to or bestowed
roads. upon any railroad company within said State of Florida.

When to com- SEC. 8. That said company shall commence work and opera-
mence work. tions within five years after the approval of this bill.

Approved Feb. 19, 1870.

CHAPTER 1,777.—[No. 47.]

AN ACT to Incorporate the West Florida Railroad Company.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. For the purpose of securing the completion and maintenance of a railroad from the waters of St. Andrew's Bay to Marianna, in the county of Jackson, the following named persons, viz.: Charles M. Hamilton, Aaron Barnett, W. J. Purman, Charles E. Dyke, senior, George E. Wentworth, John Q. Dickinson, Thomas H. West, John W. Butler, and John Varnum, their associates, successors, and assigns, are hereby constituted a body politic and corporate, under the name and style of the West Florida Railroad Company, and as such shall have and use a common seal, may sue and be sued, plead and be impleaded, may purchase and hold real and personal property that may be necessary or beneficial to said company, and sell or convey the same in fee or for a less estate, or by way of mortgage or otherwise, by deed or conveyance, may sell, lease, encumber, or convey the same, may make and enforce, for the organization, management, direction, and operating and government of said company, such by-laws, rules, and regulations as they may deem best, not contrary to the Constitution and laws of the United States and of this State.

Persons vest-
ed with corpo-
rate rights.

Powers.

Capital stock.

Powers.

Quorum.

Power of di-
rectors.

SEC. 2. The said corporators, associates, successors, and assigns shall have power to fix the capital stock of the company, not exceeding two millions of dollars, the shares of which shall be one hundred dollars each, and shall designate the times and places for opening books of subscription to the capital stock of said company; and they may appoint one or more of their number to receive said subscriptions and receipt for the same, said subscriptions to be upon the terms and conditions which the said company may prescribe. They shall also have power to call meetings of the company or its stockholders, prescribe the number of directors and other officers, the term of service of each, their compensation, duties, and manner of removal of each officer. A majority of the corporators shall be a quorum to do business. The directors, or a majority of them, shall have power to transact all business of the company, unless otherwise

ordered by the stockholders; may declare dividends of profits, if any, and in general make and enforce all such rules and regulations, consistent with the by-laws of the company, as they may deem fit.

SEC. 3. That the said West Florida Railroad Company shall commence at Marianna or St. Andrew's Bay, as said company may see fit by their board of directors.

Commencement of the road.

SEC. 4. That said company shall have the right and privilege to construct said railroad for the transportation of passengers, produce, goods, wares, and merchandise, and all other articles whatsoever, and the right of way is hereby granted for the same two hundred feet in width, with the right to take stone, timber, earth, and materials from any land belonging to the State, to be used in the construction, maintenance, and repairs of said railroad.

Right of way.

SEC. 5. The said company is hereby authorized to contract for and receive conveyances of land, timber, and other materials which may be required by the directors in the construction, operating, maintenance, and repair of said railroad; and when the owner and the company cannot agree upon the price, or when the owner is an infant, non-resident, or *non compos mentis*, then it shall be lawful for the said company to apply to the sheriff of the county in which said lands or property are located, who shall summon a jury of seven disinterested freeholders, a majority of whom shall be authorized to assess the damages and return the award or judgment to the first circuit court of the county in which the said lands or other property may be located, which shall be entered by the clerk as the judgment of the court, and execution may issue thereon for the amount of said judgment and costs. Either party dissatisfied with the assessment may appeal to the next term of the circuit court, on giving security for the prosecution of the appeal. Before proceeding to the discharge of the duties herein required, the jurors summoned as aforesaid shall take an oath or affirmation, to be administered by the sheriff, that they will well and truly inquire in and to the best of their judgment assess the damages accruing to the owner or owners of said land or materials by means of the proposed construction; *Provided*, That said work and the progress of construction of said road shall in no wise be delayed on account of the proceedings had or to be had as aforesaid.

May purchase land and materials.

How to proceed when owner and Co. cannot agree.

Jurors, oath of.

Proviso.

SEC. 6. That said West Florida Railroad Company shall, in the construction of said railroad, have the right to build and construct all bridges necessary to cross any and all rivers, but in crossing navigable rivers suitable draws shall be constructed to admit the passage of all steamboats and other water-craft usually navigating such rivers, which draws shall always be kept in good order and ready to be opened whenever necessary;

Draws to be constructed over navigable rivers.

May own and run steamships and enter or leave ports without pilots.

First and second class cars to be provided.

Persons paying fare for first and second class to be seated accordingly.

and said company shall have power to own and run steamships and other craft to and from any of the ports of Florida, and may enter or depart with or without pilots, and likewise in any of the navigable waters within the jurisdiction of the State.

SEC. 7. That the said West Florida Railroad Company shall provide first and second class cars, for the accommodation of passengers, for each of which fare shall be charged at proportionate rates, and passengers, without distinction, paying fare for first class cars, shall be entitled to seats in such cars, and passengers paying fare for second class cars, shall be entitled to seats in second class cars, and any conductor, superintendent, of any railroad train of any company mentioned in this act, who shall refuse a seat in a first class car to any person holding a first class ticket, shall be subject to arrest on the warrant of any judge of any county through which said train may pass, and be liable for a fine of not less than one hundred dollars, or more than five hundred dollars.

Vested with rights, &c., of act approved June 24, 1869.

SEC. 8. That this company is hereby declared to be entitled to and vested with all the rights, franchises, privileges, and conditions, State aid and assistance as is provided in an act entitled An Act to Perfect the Public Works of the State, approved June 24th, 1869; and the following, being section 31 of said act :

Section 31 of act approved June 24, 1869, re-enacted.

“SEC. 31. All the rights, franchises, privileges, and conditions granted and prescribed in this act are hereby granted and applied to any company that is now or hereafter may be organized for the purpose of building a railroad from the waters of Tampa Bay or Charlotte Harbor, on the Gulf, by way of Ocala, and ending at Gainesville, on the Florida railroad, and from Marianna, in the county of Jackson, to the waters of St. Andrew's Bay in West Florida, and also to the waters of Apalachicola Bay, in West Florida, and to a point on the Choctawhatchie Bay, between the mouth of Choctawhatchie river and Boggy Bayou, and from Palatka and Mellonville, on the St. Johns river, to the nearest practicable point on the line of railway from Tampa Bay or Charlotte Harbor to Gainesville, as far as the same can be constitutionally granted. The said railroad company from Palatka is hereby authorized to connect and be entitled to all the benefits of section 30,”

Further aid and assistance.

is hereby re-enacted and made to be a part hereof; and the company hereby incorporated is declared to be the company therein provided for from Marianna, in the county of Jackson, to the waters of St. Andrew's Bay, in West Florida; and said company is further declared to be entitled to and shall receive in addition to the foregoing all the aid and assistance of the Internal Improvement System, and to be and enjoy all the aid and assistance provided for a railroad from St. Andrew's Bay, as set forth

and provided for in the act to provide for and encourage a liberal system of Internal Improvement, commonly known as the Internal Improvement Act of this State.

SEC. 9. That this act is declared to be a public act, and all laws and parts of laws conflicting with this act be, and they are hereby, repealed; and this act shall continue in force for the term of thirty years from and after its passage.

This a public act.

Term of act.

Approved February 17, 1870.

CHAPTER 1,778.—[No. 48.]

AN ACT to Incorporate the Jacksonville Ferry Company, and to vest in said Company powers and privileges of An Act granting a charter for Crawford Ferry, at Jacksonville, Florida, to William A. Young, approved by the Governor January 5, 1859.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That Harrison Reed, Geo. B. Carse, E. M. Cheney, and C. L. Mather, and such other persons as may become associated with them, their successors and assigns, are hereby constituted a body corporate and politic by the name and style of the Jacksonville Ferry Company, and by such name said company shall be known and have succession, and shall be capable of suing and being sued, of pleading and being impleaded, of contracting and being contracted with, and shall have all needful powers and privileges to enable them to build and operate, maintain and keep or establish a steam or other ferry of any kind, between the city of Jacksonville and the opposite shore, for the conveyance of freight and passengers or animals, and for the crossing of the same over the St. Johns river from and to the city of Jacksonville, in Duval county, and said company is hereby vested with the exclusive right for twenty years to maintain, keep, establish, run, or have a ferry from and to the city of Jacksonville, over and across the St. Johns river, said exclusive ferry right hereby vested in said company to commence at a point on the river above the city of Jacksonville and beyond the corporate limits thereof two miles outside said city limits, thence running down said St. Johns river, and including the corporate limits of said city, and its water front, to a point six miles below the said corporate limits of said city on the St. John's river, and for a like distance to and upon, and to include the opposite river bank in Duval county; said ferry rights to be and include all and every right of free passage back and forth and across said St. John's river without interference, obstacle, or injury from any person, corporation, city, or town authority, and said company are hereby authorized to use steam or other

Persons vested with corporate powers.

Rights and powers.

Exclusive right for twenty years.

Proviso. water craft or vessel, barge or boat on said ferry, and for the limits aforesaid, and to their exclusive use; *Provided, however,* Said company shall commence to run and keep said ferry for the time of this charter, and to commence running said ferry or keeping the same within twelve months from this date, and said

Powers. company may own, possess, have, and keep such real and personal property, including vessels propelled in whole or in part by steam, and any and all water craft necessary or beneficial in the opinion of said company, to conduct and carry on and maintain the ferry aforesaid, and the ferry privileges herein granted, and said company shall have power to receive, purchase, hold, and quietly enjoy lands, tenements, goods, and chattels and property of every description, and the same to mortgage, lease, sell, and convey at pleasure; to make and use a common seal, and to alter the same at pleasure; to make such by-laws as may be found requisite for the government and management of the business of the company; and to do all things necessary or proper to be done in order to enable said company to carry on and operate the powers herein by this act granted.

Capital stock. SEC. 2. That the capital stock of this company shall be one million dollars, if said company shall deem fit, or a lesser sum as they may determine, to be divided into shares of one hundred dollars each, which may be sold or transferred in such way as said corporators or company may determine, and upon such rules and regulations as they may prescribe.

President and directors. SEC. 3. A majority of the corporators shall be fully authorized to organize said company, to elect officers, to prescribe rules for the organization of the company, and to choose a president and such number of directors as they may determine, and the board of directors so chosen shall prescribe rules and regulations, laws and ordinances for the management, direction, organization, and operation of this act, and of said Jacksonville Ferry Company, and prescribe the charge and collection of rates for freight and passengers on said ferry, and all other things necessary to the interests of said company.

Mayor and council and officers of Duval county, duty of. SEC. 4. That the mayor and council of the city of Jacksonville, and the city authorities, and the county officers, and the county commissioners of the county of Duval, shall render all necessary protection, and provide and establish an ordinance, such ordinance, laws, and regulations as may be necessary to enable this company to fully and without impediment or interference of any injury.

Powers. SEC. 5. The said company shall be possessed with all the powers conferred by An Act granting a Charter for the Crawford Ferry, at Jacksonville, Florida, to William A. Young, [as follows:]

Section re-enacted. "Section 1. *Be it enacted by the Senate and House of Representatives of the State of Florida, in General Assembly con-*

vened, That Wm. A. Young be, and is hereby, authorized to keep, and charged with the duty of keeping, the ferry known as the Crawford Ferry, at Jacksonville, Florida, Duval county, for the term of ten years.

"Sec. 2. Be it further enacted, That the said William A. Young, his heirs and assigns, shall at all times keep good and sufficient ferry-boats and flats to cross wagons, carts, carriages, stock, and foot passengers, and keep good and sufficient hands to attend the said ferry, and he shall receive such rates of ferriage as are now or may hereafter be established by the commissioners of said county, and it shall not be lawful for any person or persons, by themselves or their agents or servants, to exercise this privilege within three miles of said ferry, and if any such person or persons shall directly or indirectly receive pay from any person for any such service, or interfere in any way with the rights appertaining to said ferry; if a white person, said William A. Young, his heirs and assigns, shall recover a fine of twenty-five dollars for each offence, to be recovered before a magistrate of the county of Duval, and, if a negro or mulatto so interfering, shall receive thirty-nine lashes. Judgment to be given by such magistrate.

Section re-enacted.

"Sec. 3. Be it further enacted, That nothing in the preceding sections shall be so construed as to prevent any person or persons from crossing the waters at said ferry in his or their skiff, canoe or yawl-boat, or from landing at either termini of said ferry; *Provided*, That in so doing they do not interfere with the boats, flats or other conveyances of said William A. Young; *Provided, also*, That they do not receive pay for conveying across other person or persons to the prejudice of the right and interests of the said William A. Young.

Section re-enacted.

"Passed the House and Senate; approved January 5th, 1859." Saving and excepting such part and portion of said act which is in violation of the spirit or letter of the Constitution and laws of the United States, and of this State, but in all other respects, excepting the penalty and punishment, said company is, in addition to the powers heretofore conferred in this act, vested with all and every the rights, titles, powers, and privileges in and of said act, which said act heretofore copied and herein set forth, is re-enacted and made a part of this act, saving and excepting the penalty and punishment. And this company, as assignee of said William A. Young, is hereby authorized to exercise the powers therein conferred and set forth exclusively and solely by them for twenty years from the passage of this act.

Part of act not re-enacted.

Sec. 6. That if any person shall obstruct or interfere or willfully injure the property or ferry, or rights of ferriage of this company, such person, on conviction, shall be punished at the discretion of the county judge, according to the injury or act

Persons willfully obstructing or injuring ferry or rights, how punished.

done or committed, and moreover, shall be liable in damages for five times the value of the injury done or damage sustained by the company, to be recovered by action at law for the use of said company.

Fares.

SEC. 7. That said company shall have the right to take, collect, and charge toll and fare on said ferry for said company transporting, crossing, or carrying freight, or passengers, or animals, or other things, from all persons who shall use, or be transported, or ferried by said company.

May sell, &c.,
franchises.

SEC. 8. Said company may sell, rent, or lease, or farm out the franchises herein contained.

Repeal.

This a public
act.

Proviso.

SEC. 9. That all laws and parts of laws conflicting with this act be, and they are hereby, repealed, and this act shall be held and deemed a public act; *Provided*, That nothing herein contained shall be so construed as to prevent the Jacksonville and St. Augustine Railroad Company from having and exercising the right to convey by their own boats across the St. Johns river, at such point of connection as may be established by the directors of said railroad company, passengers and freight contracted to be carried over their line; but said railroad company shall have no right to exercise any privileges of a ferry company, except in connection and for the use and benefit of their line of railroad.

Approved February 18, 1870.

CHAPTER 1,779.—[No. 49.]

AN ACT to Incorporate the Suwannee and Inland Railroad Company.

Persons vest-
ed with corpo-
rate powers.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That John H. Baker, John N. Krimminger, John R. Richard, W. H. Edwards, P. A. Holt, C. D. Lincoln, Josiah T. Walls, J. H. Roper, Robert Meacham, and such other persons as may become associated with them as stockholders, their successors and assigns, are hereby created a body corporate and politic, by the name and style of the Suwannee and Inland Railroad Company, and by that name may have and use a common seal, to be altered at pleasure, and may sue and be sued, plead and be impleaded; and shall be capable in the law to purchase, acquire, receive, hold, and quietly enjoy real and personal estate, property, and effects of every kind and description, and the same to grant, sell, assign, dispose of, or mortgage, or encumber in any manner whatsoever that to said corporation shall seem meet and proper, and for its or for the interest of the public; and in its organization, and in the construction of its work, and in the finishing, furnishing,

equipment, running, and keeping in repair, and in all and singular the business of said corporation, it shall have power to contract, and be contracted with, and to make, ordain, and establish all rules, regulations, and by-laws that may be deemed necessary and expedient for the management and proper conduct of its business.

SEC. 2. The capital stock of said company may be increased, from time to time, to the sum of two millions of dollars; and that whatever may be the amount of stock subscribed, before the whole contemplated amount of stock is subscribed, such subscription shall be divided into shares of one hundred dollars each. That John H. Baker, John N. Krimminger, W. H. Edwards, P. A. Holt, and J. H. Roper are hereby appointed commissioners, and are fully authorized and empowered to open books of subscription to the capital stock of said company, at Lake City, Live Oak, Gainesville, Newnansville, and at such other places as they shall see fit, from time to time, until the whole amount of the capital stock shall have been subscribed. And in case a greater amount of stock shall be subscribed than the whole amount of the capital stock of said company, to wit, two millions of dollars, the commissioners shall distribute the same as equally as possible among such subscribers; but no share thereof shall be divided in such distribution, nor shall a greater number of shares be allotted to any subscriber than shall have been subscribed for by him.

Capital stock.

Books to be opened.

SEC. 3. That as soon as practicable after one hundred thousand dollars shall have been subscribed to the capital stock of said company, notice shall be given in some newspaper published in the vicinity of the residence of the subscribers to a majority of the stock, that a meeting of the stockholders will be held at the time and place designated in the notice, for the purpose of electing directors, who shall be chosen from the stockholders of the company. Stockholders shall be entitled to one vote for each share of stock held by them; and stockholders may vote by proxy. A majority of votes shall be necessary to constitute a choice for one year, or until new directors are elected and qualified. The directors so elected shall, from their own body, choose a president; and in like manner, in each and every year, the directors and president shall be chosen. Vacancies that may occur in their body, between the periods of elections as provided for, may be filled by the board of directors; *Provided*, That if from any cause there should be no election, said corporation shall not be dissolved, but the directors and other officers of the corporation then in office, shall continue in office with all the powers herein mentioned, until a new election shall take place; and said directors may elect and employ all other officers, such as secretary, treasurer, agents, engineers, superintendent, and others, and discharge them at pleasure. A meeting

President and directors when and how elected.

Proviso.

Meetings of stockholders, how called. of the stockholders may be called at any time by the directors, or by the stockholders owning not less than one-fourth of the stock, by giving public notice of the time, place, and objects of the meeting, in the manner hereinbefore in this section provided; and if at such meeting a majority of the value of the stock is not represented in person or by proxy, the same shall adjourn, from day to day, not exceeding three days, without doing any business, when, if such majority do not attend, the meeting shall be dissolved.

Where to commence and terminate. SEC. 4. That the railroad contemplated by this act shall commence at or near Live Oak, in the county of Suwannee, in the State of Florida, running through the said county to the Suwannee river, below the shoals of said river, thence to Ocala in Marion county, *via* Newnansville and Gainesville, and from thence to some desirable point on the west coast of Florida, to be determined by the engineers of said company and the board of directors.

Right of way. SEC. 5. That said company shall have the right and privilege to construct said railroad for the transportation of passengers, produce, goods, wares, and merchandise, and all other articles whatever, through the lands of the State of Florida, and the right of way is hereby given for the same two hundred feet in width, with the right to take and use any stone, timber, earth, and materials from any lands belonging to the State, to be used in the construction, maintenance, and repair of said road.

May borrow money. SEC. 6. That to enable said company to carry out the objects and design of its charter, it is hereby authorized and empowered to borrow, by way of loan or otherwise, of and from any home or foreign corporations or capitalists, such sum or sums of money as may be necessary in the full and ample organization and completion of its work, and to provide for the payment of the same by the issue of all necessary bonds and mortgages upon its road, property, and franchise.

May purchase land and material. SEC. 7. That the president and directors of said company are hereby authorized to contract for and receive conveyances of land, timber, and other materials, which may be required in the construction, operating, maintenance, and repairs of said railroad; and when the owner and the company cannot agree upon the price, or when the owner is an infant, or *non compos mentis*, or a non-resident, then it shall be lawful for the president of said company, its agent or attorney, to apply to the sheriff of the county in which the lands or property are located, who shall summon a jury of seven disinterested freeholders, a majority of whom shall be authorized to assess the damages, taking into account the benefits that may accrue to such owners by the construction of said road, to lessen the damages, and return their award or assessment to the circuit court of the county in which said lands or other property may be located, which shall be en-

tered of record in said circuit court as the judgment of the court against said company, and execution may issue thereon, for the amount of said judgment and costs. Before proceeding to said assessment, the sheriff shall administer an oath or affirmation to said assessors, that they will well and truly inquire into and to the best of their judgment assess the damages in the manner aforesaid owing to the owner of such lands or materials, by means of the proposed construction.

Jurors, oath of.

SEC. 8. That upon payment of said judgment and costs, either to the owner of the land and materials, or to the clerk of the circuit court, the court shall cause the proper entry to be made of record, of the fact of such payment, and thereafter the land or property so assessed and paid for by said company, and all donations from whatever source to said company, shall ever belong to, and the title thereto shall in fee simple vest in said company, its successors and assigns. Subscriptions to the capital stock of said railroad company may be made in land, labor, or material, upon such terms as may be agreed upon between the directors and the owner thereof.

Property taken to belong to company upon payment.

Subscriptions may be made in land, &c.

SEC. 9. The directors of said company shall have the right to demand and receive such prices and sums for fare and transportation of freight, produce, and merchandise, as may be fixed by the by-laws of said company.

Fares.

SEC. 10. There is hereby granted to said company all lands held by the State of Florida, known as internal improvement lands, and swamp and overflowed lands, for six miles in width on both sides of said railroad, to aid in the completion of said road, upon condition that said company complete the construction of its road within four years from the passage of this act, or that when said company shall have completed said road to the Suwannee river as contemplated herein, it may then make selection from either or both sides of said road, within the six miles aforesaid, of such proportion of the whole grant as the length of the road built bears to the whole contemplated line.

Internal Imp. Lands, &c., for six miles on each side granted.

SEC. 11. That all and singular the benefits, rights, privileges, and immunities granted to any corporation under and by virtue of An Act entitled An Act to Provide for and Encourage a Liberal System of Internal Improvement in this State, approved January 6th, 1855, not inconsistent with the terms of this act, are hereby, by this act, granted and secured to said Suwannee and Inland Railroad Company; *Provided*, This section shall not be construed to grant any State aid in the shape of State bonds or State endorsement of bonds or money, or State lands.

Rights and privileges.

Proviso.

SEC. 12. When it shall be necessary to make loans in order to meet the just liabilities, or carry out the lawful objects and duties of said company; or if any of its creditors holding its bonds, or other obligations, or evidence of indebtedness whatever, shall be willing to exchange the same for preferred or secured stock,

Preferred stock may be issued in exchange for indebtedness when.

Proviso.

it shall be lawful for said corporation, by a vote of the directors of said company being first obtained therefor, to issue such stock, and to secure in any lawful mode the prescribed dividends thereon, and to make the same payable in preference to the dividends upon the other stocks of said company; *Provided*, That no dividend shall be secured greater than the rate of eight per cent., unless the stockholders shall vote therefor, and in no case greater than the rate of interest allowed by law at the time such stock shall be issued. Such preference may be full or partial, and subject to such conditions and terms as said directors may deem proper. And such stock shall be redeemable and payable upon such terms, and at such times, as shall be provided in the resolution authorizing the issue thereof.

Liability of stockholders.

SEC. 13. That this company shall have succession for twenty years; and the individual property of the stockholders shall be liable, *pro rata*, according to the par value of the capital stock owned by each stockholder, for all debts or obligations whatever of the said company.

First and second class cars to be provided.

Persons paying fare first and second class to be seated accordingly.

SEC. 14. That the Suwannee and Inland Railroad Company shall provide first and second-class cars for the accommodation of passengers, for each of which fare shall be charged at proportionate rates, and passengers without distinction paying fare for first-class cars shall be entitled to seats in said cars, and passengers paying fare for second-class cars shall be entitled to seats in second-class cars; and any conductor, superintendent, or agent of any railroad train of any company mentioned in this act who shall refuse a seat in a first-class car to any person holding a first-class ticket shall be subject to arrest, upon the warrant of any judge of any county through which said train may pass, and be liable for a fine of not less than one hundred dollars, or more than five hundred dollars.

Became a law without the Governor's signature, February 12, 1870.

CHAPTER 1,780.—[No. 50.]

AN ACT to Incorporate the Florida Telegraph Company.

Persons vested with corporate powers.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That Joseph A. Atkins, William F. Robertson, Jr., Malachi Martin, Isaac K. Roberts, George E. Wentworth, Daniel P. Holland, and William J. Purman, their successors, associates, and assigns, are hereby constituted a body politic and corporate under the name and style of the Florida Telegraph Company, and as such shall have and use a common seal, and may sue and be sued, plead and be impleaded in any court; may purchase and hold, sell, convey, re-

Rights and powers.

ceive, and mortgage real and personal property, and sell and convey the same by way of title, mortgage, or otherwise, and may make and enforce and prescribe such by-laws and regulations for the organization, management, direction, and interests of said company as they may deem conducive to their interests and deem best. That said company shall have the exclusive right for twenty years to establish, erect, operate, maintain, connect, and land telegraphic communication by land and water, and submarine and shore-wire lines and cables in the State of Florida, for telegraphic purposes, and generally to exercise the right of eminent domain, and all rights and powers incident to bodies corporate and politic.

SEC. 2. That said company shall have the right to connect their lines, or wires, or cables with any company in or out of this State; that all the powers and privileges, without the limitations or provisions, contained in any telegraph charter given or authorized in this State, or by authority thereof, and not conflicting with any vested right, is hereby vested and conferred on this company.

Rights and powers.

SEC. 3. That all general laws, as far as they authorize the formation of telegraph companies thereunder, are hereby repealed; and this act shall be held and deemed to be a public act, and all laws conflicting therewith be, and they are hereby, repealed.

General laws authorizing formation telegraph companies repealed. This a public act.

Became a law without the Governor's signature, February 16, 1870.

CHAPTER 1,781.—[No. 51.]

AN ACT to Alter and Amend An Act entitled An Act to Incorporate the Florida Telegraph Company, and Declaratory thereof.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That Sections 1, 2, 3, and 4 of this act shall stand and be taken and construed as Sections 4, 5, 6, 7, and 8 of an act entitled An Act to Incorporate the Florida Telegraph Company, passed at the session of the General Assembly, which said act is as follows: "An Act to Incorporate the Florida Telegraph Company.

Sections to be added.

"The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That Joseph A. Atkins, William F. Robertson, Jr., Malachi Martin, Isaac K. Roberts, George E. Wentworth, Daniel P. Holland, and William J. Purman, their successors, associates, and assigns, are hereby constituted a body politic and corporate under the name and style of the Florida Telegraph Company, and as such shall have and use a common seal, and may sue and be sued, plead and be impleaded in any court; may purchase and hold, sell, convey,

Section to be amended.

receive, and mortgage real and personal property, and sell and convey the same by way of title, mortgage or otherwise, and may make and enforce and prescribe such by-laws and regulations for the organization, management, direction, and interests of said company as they may deem conducive to their interests, and deem best. That said company shall have the exclusive right for twenty years to establish, erect, operate, maintain, connect, and land telegraphic communication by land and water, and submarine and shore-wire lines and cables in the State of Florida, for telegraphic purposes, and generally to exercise the right of eminent domain, and all rights and powers incident to bodies corporate and politic.

Section to be amended.

"SEC. 2. That said company shall have the right to connect their lines, or wires, or cables, with any company in or out of this State; that all the powers and privileges, without the limitations or provisions, contained in any telegraph charter given or authorized in this State, or by authority thereof, and not conflicting with any vested right, is hereby vested and conferred on this company.

Section to be amended.

"SEC. 3. That all general laws, as far as they authorize the formation of telegraph companies thereunder, are hereby repealed, and this act shall be held and deemed to be a public act, and all laws conflicting therewith be, and they are hereby, repealed."

Intent and meaning.

And the same be so altered and amended as follows: That the true intent and meaning of the aforesaid act to incorporate the Florida Telegraph Company is hereby declared to be to vest no right, title, or privilege in said corporation or company, saving only such rights, privileges, powers, and property as are necessary for, and incident to establishing, erecting, operating, and maintaining telegraphic communication by land wires or marine telegraph cables, or other conductors by water or land, or both, by this company in this State.

When to commence and complete telegraphic line.

SEC. 2. That said company shall commence to establish telegraphic communication from and to some point or place in this State within one year, and have completed a line of telegraphic communication from the Gulf to the Atlantic, or to some other point in this State, not less than one hundred miles, within three years from the passage of this act.

Right of way.

SEC. 3. That the said company shall have the right and privilege to construct such lines through any lands of the State, and the right of way is hereby given to the same, with the right to take and use any stone, timber, earth, and materials from any lands belonging to the State, to be used in the construction, maintenance, and repairs of said lines.

May purchase land and materials.

SEC. 4. *Be it further enacted*, That the president and directors of said company are hereby authorized to contract for and receive conveyances of land, timber, and other materials, which

may be required by the directors in the construction, operating, maintenance, and repair of said telegraphic lines; and when the owner and company cannot agree upon the price, or when the owner is an infant, non-resident, *non compos mentis*, then it shall be lawful for the president and directors of said company to apply to the sheriff of the county in which said lands are located, who shall summon a jury of three disinterested freeholders, a majority of whom shall be authorized to assess the damages, and return their award or judgment to the term of the circuit court of the county in which the said lands or other property may be located, which shall be entered by the clerk as the judgment of the court, and execution may issue thereon for the amount of said judgment and costs. Before proceeding to the discharge of the duties herein required, the jurors summoned as aforesaid shall take an oath or affirmation, to be administered by the sheriff, that they will well and truly inquire into and to the best of their judgment assess the damages to the owner or owners of said land or materials by means of the proposed construction.

How to proceed when owner and Co. disagree.

Jurors, oath of.

SEC. 5. That this act shall be held and deemed a public act, and all laws and parts of laws conflicting with the true intent and meaning of this act be, and they are hereby, repealed.

This a public act.

Approved February 15, 1870.

CHAPTER 1,782.—[No. 52.]

AN ACT to Incorporate the Palatka and Waldo Telegraph Company.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: That Hubbard L. Hart, James Bent, Nathan H. Moragne, Henry R. Teasdale, and Henry R. Forward, their associates, successors, and assigns, are hereby constituted a body corporate and politic under the name and style of the Palatka and Waldo Telegraph Company, and as such may have and use a common seal, may sue and be sued, plead and be impleaded, may purchase and hold such real and personal property as may be necessary for their business, and may make and enforce, for the government, organization, management, and direction of said company, such by-laws, rules, and regulations as to them shall seem necessary; and said company may erect, maintain, construct, establish, and operate telegraphic communication and telegraphic lines between the towns of Palatka and Waldo, and take charge thereof. That the right of eminent domain for the purposes aforesaid is hereby vested in said company, and all the powers, rights, and privileges inci-

Persons vested with corporate powers.

Powers.

Right of eminent domain.

Became a law without the Governor's signature, February 16, 1870.

CHAPTER 1,783.—[No. 53.]

AN ACT to Organize the Aquatic and Tropical Plant Propagating Company.

SEC. 2. *Be it further enacted*, That the said company shall have full power to cut a canal or canals from Lake Okechobee to the waters of Charlotte Harbor, Caloosatchie river, Indian river, and Biscayne Bay; to construct levees, dykes, drains, and canals for the purpose of reclaiming, improving and draining the Everglades or any lands granted or ceded to them by this act; to levy

tolls upon any canal by them constructed, when the same shall be used for navigation, and to consolidate its capital stock with the Southern Inland Navigation and Improvement Company, or with any other company, on such terms and conditions as may be agreed upon by the directors of each of said companies; the same to be ratified by the stockholders holding a majority of the stock in each of the said companies.

May consolidate with any other company.

SEC. 3. *Be it further enacted*, That there is hereby granted to the said company or corporation all the right, title, and interest, present and prospective, which the State of Florida now has or may hereafter acquire by any existing act of Congress or any further act of Congress granting to the State of Florida the Everglades and all the unsurveyed land lying south of the Caloosahatchie river and Lake Okechobee, and all the lands south of townships thirty-eight (38) and east of Lake Okechobee, with the exception of such lands as may have been heretofore contracted for, ceded, or conveyed by the trustees of the Internal Improvement Fund, unless such person or persons, individual or corporation to whom any concession may have been made, or their representatives, shall assent thereto.

Lands granted.

SEC. 4. *Be it further enacted*, That the said company or corporation, for and in consideration of the aforesaid grant, and franchises granted, shall proceed to drain the Everglades, to drain and reclaim the lands hereby granted, and shall pay to the State an annual tax of one (1) per cent. upon all dividends declared upon the stock, and one per cent. upon all sales of land made, which percentage or taxes shall be in lieu of all other taxes, and a full compensation for the lands, rights, and privileges granted to the company by this act.

To drain the Everglades.

Tax.

SEC. 5. *Be it further enacted*, That the said corporation shall adopt a liberal system for the encouragement of immigration, and shall introduce the cultivation of tropical fruits, medicinal fibres, and aquatic plants suitable to the soil, waters, and climate of South Florida.

To encourage immigration, &c.

SEC. 6. *Be it further enacted*, That when the said corporation shall expend the sum of one hundred thousand dollars in the introduction of tropical plants and in reclaiming the lands hereby ceded, the introduction of immigrants and other improvements, the Trustees of the Internal Improvement Fund of the State of Florida shall make title to the lands ceded and granted by this act to the said corporation.

Titles to lands granted, when to be made.

SEC. 7. *Be it further enacted*, That the capital stock of said corporation shall be one million dollars, to be divided into shares of one hundred dollars each, and the same may be increased from time to time as the board of directors may deem expedient.

Capital stock.

SEC. 8. *Be it further enacted*, That in all elections for directors, the shareholders may vote in person or by proxy, and

Election of directors.

shall be entitled to one vote for each and every share, and in case of a vacancy in the board of directors, such vacancy may be filled by the remaining members of the board of directors.

Directors and president.

Quorum.

May change name.

Rights to cease in five years, unless, &c.

SEC. 9. *Be it further enacted*, That the said corporation shall annually hold an election, at such times and places and under such rules and regulations and restrictions as they may by their by-laws prescribe, for as many directors—not less than five or more than thirteen—as may be required for the management of their business, and the directors when elected shall elect a president, secretary, and treasurer, and the president shall appoint such subordinate officers and agents as may be necessary, and at any time dismiss them from office. A majority of the board of directors shall constitute a quorum, and until an election shall be held, the persons named in the first section of this act shall constitute the board of directors; and in case of failure to elect a board of directors in accordance with the provisions of this act, the corporation shall not be dissolved, but the directors may hold over until the next annual election, or until their successors are elected and qualified. And the directors shall have power to change the name of this corporation by a majority vote of the board of directors, and in case of so doing shall deposit with the Secretary of State a notification of the change of name.

SEC. 10. *Be it further enacted*, That all the rights, privileges, and franchises herein granted shall cease and be null and void in five years from the passage of this act, unless the said company shall expend the sum of one hundred thousand dollars in accordance with the provisions of section six of this act.

Approved February 18, 1870.

CHAPTER 1,784.—[No. 54.]

AN ACT to Incorporate the Peas Creek Immigrant and Agricultural Company.

Persons vested with corporate powers.

Purposes.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That William H. Kendrick, James D. Green, A. Barnett, Daniel P. Holland, Mark W. Downie, Frederick Filer, and John J. Philbrick, their successors and associates, be, and they are hereby, declared to be a body corporate and politic for the following purposes: 1st. To improve the navigation of the Peas Creek in this State as far as Fort Meade; 2d. To own and hold and dispose of real estate and personal property; and 3d. To be invested with all powers necessary to improve the said Peas Creek, and to facilitate navigation thereon, and to induce and advance immigration, agriculture, and stock or cattle raised thereon, and in the county adjacent thereto; and said company shall be known as the Peas

Creek Immigrant and Agricultural Company, and by that name shall be invested and possessed of and exercise all the powers aforesaid, and those incident to all bodies corporate and politic; and by that name shall sue and be sued, plead and be impleaded, bring and defend all and every proceeding in law or equity, have and make a common seal, establish and prescribe rules and regulations, by-laws and ordinances for the organization, management, direction, and execution in all matters great and small of the company, the execution of the powers herein conferred, and the general and special welfare of the company and its interests, and said company shall change and alter the same at their pleasure. That the capital of said company shall not exceed five millions. That the Trustees of the Internal Improvement Fund of the State of Florida are hereby required to cause deeds to the lands embraced in an act entitled An Act to improve the Navigation of Peas Creek, and to drain the Swamp and Overflowed Lands thereon, approved February 14, 1861, to be made out and conveyed to this company; and the said Peas Creek Immigrant and Agricultural Company are hereby charged with the execution of the said act and vested with full power to perform the objects of said act, and shall be, and are hereby, vested with all the rights, privileges, and titles in and to the lands embraced and specified in said act. That this act shall be held and deemed to be a public act, and all laws and parts of laws conflicting with the true intent and meaning of this act be, and they are hereby, repealed.

Capital stock.
Trustees of Internal Imp. Fund to make deeds.

Powers.

This a public act.
Repeal.

Approved February 9, 1870.

CHAPTER 1,785.—[No. 55.]

AN ACT to Incorporate the Jacksonville Hotel Company.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That Charles B. Wilder, Joseph Day, George Thompson Mitchell, Charles T. Wilder, Herbert A. Wilder, and Jeremiah Campbell, their associates and successors, be, and they are hereby, incorporated by the name and style of the Jacksonville Hotel Company, and as such and by that name may sue and be sued, plead and be impleaded, may purchase and hold real and personal property, and acquire the same and both either by purchase, grant, gift, bequest or otherwise, may sell or mortgage the same, may build hotels, build, erect, or lease or rent any buildings of any kind whatsoever, may give such name to any hotel owned by the company or to any other building as said company may see fit, may make all necessary titles in fee or for a less estate, and

Persons vested with corporate powers.

Powers.

execute all legal instruments and contracts as may be necessary for the transaction of the business of the company and its interests; may make such by-laws, rules, and regulations as may be necessary for the execution of the powers and privileges herein conferred, and the management and operations of the company and its interests, and generally shall have and exercise all powers and privileges incident to bodies politic and corporate.

Capital stock. SEC. 2. That the capital stock of said company shall not exceed two hundred thousand dollars, divided into shares of one hundred dollars each.

Not to do banking business, &c. SEC. 3. That the said company shall not at any time do a banking, insurance, brokerage, or exchange business.

Books to be opened. SEC. 4. That Charles B. Wilder, Joseph Day, George Thompson Mitchell, or a majority of them, are hereby appointed commissioners, authorized and empowered to open books of subscription to the capital stock of said company at the city of Jacksonville, Duval county, Florida, and that said commissioners, or any two of them, are authorized and empowered to receive the said subscriptions, and to demand and receive from the subscribers to said capital stock of said company, twenty-five per centum of the amount desired to be subscribed, before any such subscription shall be received from any person or any stock taken.

President and directors. SEC. 5. That the subscribers to the capital stock of said company shall, as soon as there is twenty-five thousand dollars of the capital stock of said company subscribed, and the cash payment heretofore prescribed and provided for be actually paid in, proceed to the election of six directors, who shall immediately elect one of their number president, who shall then hold his office for one year. Said directors shall have the power and authority to exercise all the powers of this act by their president and board of directors, and elect a treasurer and secretary, who shall hold their office during the pleasure of said board of directors.

Powers of Co. confined to Duval county. SEC. 6. That this act and the powers herein conferred, and this company hereby incorporated, are confined to and shall apply only and be exercised in the county of Duval, and in no other part of this State or elsewhere.

Became a law without the Governor's signature, February 16, 1870,

CHAPTER 1,786.—[No. 56.]

AN ACT to Incorporate the Pensacola City Company.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That Wm. K. Hyer,

Persons vested E. W. Dorr, A. E. Maxwell, James Knowles, Walton Tate, Wm.

A. Booth, and R. S. Haines, Jr., and such other persons as may become associated with them as stockholders in the company, their successors and assigns, are hereby created a body corporate under the name and style of the Pensacola City Company, and by that name may sue and be sued, contract and be contracted with, adopt and use a common seal, which they may alter at pleasure, pass such by-laws and rules for the government of the company as they may deem proper, and generally exercise and enjoy all the rights and privileges of a corporation.

with corporate powers.

SEC. 2. That said corporation shall have power and authority to buy, hold, improve, manage, sell, loan, mortgage, and dispose of lands and real property in the county of Escambia, in this State, and to receive all conveyances and papers, and to make, execute, and deliver all conveyances and papers which may be necessary and proper for the exercise of the powers and authority hereby granted, and to build railways, wharves, docks, and other improvements on and over said lands and property, which they may use and dispose of as the interests of the company may seem to them to require, and to declare and make dividends from the sales and profits of said lands and property as the by-laws of said company may direct.

Powers of the company.

SEC. 3. That the capital stock of said company shall consist of lands and real property, and interests in the same, situate in the county of Escambia aforesaid, in which there shall be fifty thousand shares, each share to represent an undivided fifty thousandth interest in said property, subject to an assessment of five dollars per share, of which one dollar per share shall be paid immediately upon the organization of the company as hereinafter provided, and the remaining assessments of one dollar per share at different times shall be called for and paid as the board of directors of said company may require; *Provided*, The second and third assessments as above shall not be called for short of one and two years respectively after said organization; and any stockholder failing or refusing to pay his assessment, after reasonable notice from the treasurer that the same is required, shall thereby forfeit his stock, which shall thereupon become the stock of the company.

Capital stock.

Assessments.

Proviso.

SEC. 4. That the corporators aforesaid, or a majority of them, shall open books of subscription to the stock of said company, and whenever the whole of said stock shall be taken, the subscribers, after notice by the said corporators of the time of meeting in the city of Pensacola, shall proceed to elect five directors, one of whom the said directors shall elect president and another vice-president of said company, who shall hold their offices for one year, or until their successors are elected and qualified, and the said directors shall so elect a secretary and treasurer of said company for the same time. The salaries of all officers shall be fixed by the stockholders at each meeting for the election of directors.

Books to be opened.

Directors and president.

Salaries.

Officers to be elected annually.

SEC. 5. That the stockholders of said company shall elect annually five directors, who shall elect a president, vice-president, secretary, and treasurer, as aforesaid, and in all elections of directors, or in any vote of a meeting of stockholders for any purpose, except as hereinafter provided, a majority vote shall prevail, and votes of stockholders shall be given in person or by proxy. In case of a vacancy in the board of directors, the remaining directors shall fill the same, and the board, when full, shall fill vacancies in the other offices aforesaid.

Vacancies.

Stockholders may remove directors.

SEC. 6. That a majority of stockholders may remove any or all of the directors, or any of the officers of said company, and fill their places, and may require the president to call meetings of stockholders for any purpose, and in case of his refusal to do so, may themselves call such meetings, and for all meetings of stockholders there shall be given at least twenty days' public notice, in addition to such personal notice to stockholders as may be provided for by the by-laws of said company.

Term.

SEC. 7. The corporation hereby created shall continue in existence for twenty years, and for such further time as may be necessary to close the business in land at the expiration of said twenty years.

Became a law without the Governor's signature, February 16, 1870.

CHAPTER 1,787.—[No. 57.]

A BILL to be entitled An Act to Incorporate the Wickwihatchee River Navigation Company.

Persons vested with corporate powers.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That William W. Wall, Washington T. Mayo, John T. McKeown, and Samuel J. Pearce be, and they are hereby, incorporated into and made a corporate body under the name and style of the Wickwihatchee Navigation Company.

Books to be opened.

Amount to be paid at time of subscribing.

SEC. 2. That the said Wm. W. Wall, Washington T. Mayo, John T. McKeown, and Samuel J. Pearce, or any one of them, are hereby authorized to open books of subscription to the capital stock of said company. The subscribers to the capital stock of said company shall at the time of their subscribing pay to said commissioners, or any one of them, ten per cent. of the amount by them subscribed, which amount the said commissioners, or any of them, are authorized to receive.

Directors and president.

SEC. 3. The said subscribers to the capital stock of said company, as soon as there is five thousand dollars subscribed thereto, and the cash payment made as aforesaid, shall elect from their number three directors, who shall elect from their number a president, secretary, and treasurer; have and use a common seal,

sue and be sued, plead and be impleaded, make all rules and regulations for the government of said company.

SEC. 4. That the said company shall have the right to clean out and make navigable, for steam and other boats, the Wickwihatchee river, and navigate the same with the steam and other boats.

Rights of the company.

SEC. 5. That said Wickwihatchee Navigation Company shall have power to collect a tax on all vessels navigating said Wickwihatchee river of the sum of five dollars for each trip, and an additional tax of one dollar a ton on each vessel so navigating; and that the rights herein enumerated shall extend to twenty years.

Tax may be collected by the company.

Term.

SEC. 6. That this act shall take effect from and after its passage.

When to take effect.

Approved February 18, 1870.

CHAPTER 1,788.—[No. 58.]

AN ACT to Protect the Lumber, Log, and Timber Business of the Suwannee River.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. The following named persons, to wit: M. W. Downie, Thomas Barnes, Joseph A. Starkweather, H. P. Lovering, and their successors or assigns, are hereby made and constituted a body corporate, under the name and style of the Suwannee Boom Company, with all and singular the rights and privileges of corporate bodies.

Persons vested with corporate powers.

SEC. 2. The exclusive right and privilege of building and constructing a boom across the waters of the Suwannee river at any place between the mouth of the Santa Fe river and the mouth of the Suwannee river, is hereby ganted and vested in said Suwannee Boom Company for the term of fifty years from and after the approval of this act; *Provided*, That the said Boom Company shall build and construct a good and sufficient boom across said river within two (2) years after the approval of this act.

Boom authorized to be constructed.

Proviso.

SEC. 3. That said Boom Company shall have the right, and the same is hereby granted to them, of stopping all logs or rafts of logs, timber or rafts of timber, coming down the said river, by their boom; and for so stopping and taking up such logs or timber, the said Boom Company shall have the right of making such a charge as may be equal and uniform, and without discrimination, as may be by them fixed for each and every year, and their charges for boomage shall constitute and be a lien on such logs and timber until the same shall be wholly paid.

Rights of the company.

Charges for boomage to be a lien.

- Unmarked logs or timber to be rafted separately.** SEC. 4. The said company shall have the right to stop and raft into rafts all loose logs and timber which may come into their boom, for which they may also charge, and if any unmarked logs or timber shall be taken up, they shall be rafted separately and apart from such as are marked, and if such unmarked logs or timber shall not be legally identified and claimed within two months after being rafted, the said company may sell the same to the highest bidder after twenty (20) days' public notice given.
- Sale of.**
- Rate for taking up logs and timber.** SEC. 5. The rate of taking up any and all logs and timber shall be so much per log, or so much for each thousand (1,000) feet of timber contained therein.
- The way to be kept open for the passage of boats, rafts, &c.** SEC. 6. The Suwannee river being a navigable highway, the Suwannee Boom Company shall so construct their boom, and the same is made obligatory on them, that steamboats, barges, sail boats, and rafts of timber, or logs, may pass up and down said stream, and in passing by said boom it is hereby made the duty of said company to keep the way open for the use and benefit of said crafts and rafts.
- Rights.** SEC. 7. The right to sue and be sued, plead and be impleaded, to hold personal and real estate, pay and be paid, elect and appoint their own officers and agents, and to do any and all things usual for corporate bodies to do, is hereby granted and vested in the said Suwannee Boom Company.
- Tax to be paid to the State and county.** SEC. 8. And the said Suwannee Boom Company, in consideration of the exclusive rights and privileges herein granted, shall be required to pay, yearly, into the State Treasury the sum of one-half of one per centum, and into the school of the county or counties in which their boom may be located, the sum of one-tenth (1-10) of one per centum of the gross earnings of said company, the same to be returned under oath.
- When to go into operation.** SEC. 9. This act shall go into operation from and after its passage.

Approved February 7, 1870.

CHAPTER 1,789.—[No. 59.]

AN ACT to amend An Act to Incorporate the Atlantic and Gulf Express Company.

Persons vested with corporate powers. *The people of the State of Florida, represented in Senate and Assembly, do enact as follows:* SECTION 1. That Robert M. Smith, Isadore Blumenthal, John C. Griswold, and Benjamin Wardell be, and they are hereby, incorporated and made a body corporate in the name and style of the Atlantic and Gulf Express Company, the principal office of which shall be located at Fernandina, Nassau county.

SEC. 2. That the said corporators, Robert M. Smith, Isidore Blumenthal, John C. Griswold, and Benjamin A. Wardell are hereby appointed commissioners, with power and authority to open the books of said corporation for subscription to the capital stock of the company at Fernandina, and such other places as they may deem best, with power to vest in one or more of their number the authority to receive subscriptions to the capital stock of said company, and issue to them receipts for same, to be exchanged upon organization of said company for certificates of stock duly signed by officers of said company.

Books to be opened.

Powers of commissioners.

SEC. 3. That as soon as one hundred thousand dollars shall have been subscribed to the capital stock of this company, the subscribers shall proceed to elect seven directors from their number, four of whom shall be residents of Fernandina. These directors, from their own number, to choose a president and vice-president, secretary, and treasurer, whose term of office shall be for one year, unless removed sooner for cause, in which case the president shall, with the concurrence of board of directors, fill said office. The board of direction shall make such by-laws, rules, and regulations for the government of said company, its officers and employees, as they may deem necessary, the same to be submitted for ratification at a regular meeting of stockholders.

Directors and president.

By-laws.

SEC. 4. That the term for which this charter is granted shall be, and is hereby, fixed for twenty years.

Term.

SEC. 5. That this corporation shall, and is hereby, authorized to sue and be sued, complain, defend, plead, and be impleaded in any court of law or equity as a corporate body.

May sue, be sued, &c.

SEC. 6. That this corporation shall, and is hereby, authorized to contract and be contracted with, make and use a common seal, and alter the same at pleasure.

May contract and be contracted with, &c.

SEC. 7. That this corporation shall, and is hereby, authorized to hold, buy, mortgage, or otherwise convey such real and personal estate as may be necessary for purposes of the business to be carried on, or for investment of capital, not exceeding the amount thereof.

May buy and sell property, &c.

SEC. 8. That the said corporation shall, and is hereby, [authorized] to appoint such subordinate officers and agents as the business of the corporation shall require, and allow them suitable compensation.

Subordinate officers.

SEC. 9. That this corporation shall, and is hereby, authorized to do an exchange business by sale of drafts payable at the offices of their agents, either within the United States or abroad, to buy and sell exclusive privileges for the carrying of merchandise, packages, money, and other valuables anywhere within the jurisdiction of the State of Florida, either by steamer, railway, or other conveyance, from one part of the State to another of the same, in such manner and at such rates of freight

May do an exchange business.

May buy and sell exclusive privileges for carrying merchandise, &c.

as the officers of the company may decide upon; to insure the same against loss, and otherwise do and perform any and every act that may be necessary to the performance of their business as a general express company, and for which they are hereby incorporated and empowered under this act.

Bonds of officers and ag'ts.

SEC. 10. That the directors of said company shall have the power to exact, from any officer and agent of said company, good and sufficient bonds for the proper performances of duties required.

Capital stock.

SEC. 11. The capital stock of said company shall be, and is hereby, fixed at two hundred and fifty thousand dollars, to be issued in shares at two hundred and fifty dollars each, and such capital stock may be increased as provided for by section 13 of the general law for the incorporation of companies, approved August 8, 1868, providing such increase is voted for by at least one-half of the amount of stock issued.

Meetings of stockholders.

SEC. 12. That meetings of the stockholders shall be called for purposes of electing officers and transaction of general business at least once in every year, said meeting to be duly advertised for at least one month previous to such meeting; and no special meeting shall be had unless authorized by at least two-thirds of the board of directors.

Approved February 3, 1870.

CHAPTER 1,790.—[No. 60.]

AN ACT to Incorporate the Fire Department of the City of Tallahassee.

Preamble.

WHEREAS, Certain persons, citizens of Tallahassee, have associated respectively by the name and style of Vigilant Fire Company and Tallahassee Hook and Ladder Company (No. 1,) and formed themselves into associations to prevent, if possible, by their exertions and aid, the frequent calamities by fire in the city of Tallahassee, and pray to be incorporated for the aforesaid purpose,

Persons vested with corporate powers.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That all those persons not exceeding sixty (60) in number for each company who now are, or who hereafter shall be, members of said companies or associations, be, and they are hereby, declared bodies politic and corporate in deed and in law, by the names and style of Vigilant Fire Company and Tallahassee Hook and Ladder Company No. 1; and that said corporations by their said names and styles shall have power and authority to make and ordain and establish all such rules, regulations, and by-laws, and impose and collect such fines, and inflict such penalties for the non-performance of duties, as they may deem expedient and proper, and not

Powers.

repugnant to the laws of this State; *And provided always*, That the said companies or associations shall faithfully perform the duties of firemen, and be subject to their respective officers, and through them to the chief or commanding fireman of the city of Tallahassee.

Proviso.

SEC. 2. That all the officers and members of the aforesaid companies or associations be exempt from militia duty in time of peace.

Officers and members exempt from military duty.

SEC. 3. That all the laws and parts of laws conflicting with the provisions of this act be, and the same are hereby, repealed.

Repeal.

Approved February 19, 1870.

CHAPTER 1,791.—[No. 61.]

AN ACT to Authorize Augustus M. Coxé to Erect a Dam and Toll-Bridge across the Santa Fe River for Milling Purposes.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That Augustus M. Coxé be, and he is hereby, authorized to establish a toll-bridge, and to erect a dam for milling purposes, across the Santa Fe river at some point that he may select in section 27, township 6, south of range 18, east.

A toll bridge and dam authorized to be established.

SEC. 2. That the privileges and authority hereby granted shall be exclusive for the distance of five miles up and down said river, and for the term of ten years from the passage of this act.

Extent of privilege and term.

SEC. 3. That the rates of toll for crossing said bridge shall be regulated by the county commissioners of Bradford county.

Toll.

SEC. 4. That should the said Augustus M. Coxé fail to establish said bridge and mill within one year from the passage of this act, then the rights and privileges herein granted shall be void.

Bridge and mill to be established within one year.

SEC. 5. That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

Repeal.

Approved February 16, 1870.

CHAPTER 1,792.—[No. 62.]

A BILL to be entitled An Act to Authorize George M. Whetstone to Erect a Dam for Milling Purposes and a Toll-Bridge across the Santa Fe River.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That George M. Whetstone be, and he is hereby, authorized to establish a toll-bridge and to erect a dam for milling purposes across the Santa

A toll bridge and dam authorized to be established.

LAWS OF FLORIDA.

- Fe river at some point that he may select in sections 5 and 6 in Township 8, south of range 17, east.
- Extent of privilege and term. SEC. 2. That the privilege and authority above granted shall be exclusive for the distance of five miles up and down said river and for the term of ten years from the passage of this act.
- Toll. SEC. 3. That the rates of toll for crossing said bridge shall be regulated by the county commissioners of Columbia county.
- Bridge and mill to be established within one year. SEC. 4. That should the said George M. Whetstone fail to establish said bridge and mill within one year from the passage of this act, then the rights and privileges herein granted shall be void.
- Repeal. SEC. 5. That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

Approved February 11, 1870.

CHAPTER 1,793.—[No. 63.]

AN ACT to Authorize the Construction of a Boom across the Withlacoochee River at a point known as "Drew's Mills."

- The people of the State of Florida, represented in Senate and Assembly, do enact as follows:* SECTION 1. That George F. Drew and Levi Bucki be, and they are hereby, authorized and empowered to construct a boom across the Withlacoochee river at a point known as Drew's Mills, to extend from the county of Madison on the west bank, to the county of Hamilton on the east bank of said river, said boom being for the protection of logs rafted to said mill; *Provided, however,* That said boom shall be so constructed as not to interfere with the passage of boats or logs and lumber.
- Construction of a boom authorized. Construction of a boom authorized.
- Proviso. Proviso.
- Repeal. Repeal.

SEC. 2. That all laws and parts of laws conflicting with the provisions of this act be, and the same are hereby, repealed.

Approved February 1, 1870.

CHAPTER 1,794.—[No. 64.]

AN ACT to Incorporate the East Florida Land Company.

PREAMBLE.

- Preamble. WHEREAS, Large bodies of lands are held in this State by persons deriving title under Spanish grants, many of whom reside in other States and in foreign countries, difficult of access to actual settlers, whereby the settlement and cultivation

of said lands and the general prosperity of the State is retarded; AND WHEREAS, Many persons who would prove industrious and valuable citizens are prevented from immigrating to the State and settling upon said lands, and upon the public lands of the State, by want of the necessary means to improve and stock the same; AND WHEREAS, The following named persons, and those who shall become associated with them by becoming shareholders in the company, propose to purchase said lands, divide them into small holdings, place them in the market at low prices to actual settlers, and, where necessary, advance upon just terms and proper security, the necessary funds to enable such settlers to improve and cultivate them, thus benefiting both the large landholder and the indigent settler, while greatly promoting the interests of the State, by encouraging the immigration of a valuable class of citizens; therefore,

Preamble.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That Charles H. Morrell, Schuyler Colfax, Charles Mundee, Wm. Bradwell, Benjamin H. Howell, Henry D. Cooke, C. H. Pearce, Edward W. Cobb, Thomas A. Howell, Frank E. Purple, Thomas L. Bell, W. Howell Robinson, E. J. Harris, John R. Scott, and such other persons as may become associated with them by becoming stockholders in said company, their successors and assigns, are hereby created, and shall forever be a body corporate and politic by the name and style of the East Florida Land Company, and by such name shall be capable in law to purchase, receive, hold, and quietly enjoy lands and tenements, goods and chattels, property of every kind, and effects, whatsoever the same may be, and the same to grant, sell, mortgage, convey, and dispose of, to sue and be sued, to plead and be impleaded, to contract and be contracted with, to make a common seal, and at pleasure to alter or break the same, to ordain, establish, and put in execution such by-laws and regulations as may be deemed necessary and expedient for the government and conducting the business of said corporation, not being in conflict with the laws of the United States and of the State of Florida.

Persons vested with corporate powers.

Powers.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall be five hundred thousand dollars, divided into shares of one hundred dollars each, which capital stock may be increased from time to time, when found necessary; *Provided,* That such increase is voted for by at least two-thirds of the directors of the company. Books of subscription shall be opened at the city of St. Augustine, where said company shall have its principal office, under the approval of George W. Atwood, John B. Stickney, and George S. Greeno, who are hereby appointed commissioners for that purpose; and the said commissioners, who shall act, are fully authorized and empowered to receive sub-

Capital stock.

Books to be opened.

scriptions of stock in said company, but said commissioners shall not on their own account subscribe to the capital stock.

SEC. 3. *Be it further enacted*, That when one-half of the capital stock is subscribed, notice shall be given in some newspaper published in East Florida that a meeting of the stockholders will be held at the time and place designated in said notice, for the purpose of electing directors, who shall be chosen from the stockholders of said company. Stockholders will be entitled to one vote for each share of stock held by them, and stockholders may vote by proxy; a majority of the votes shall be necessary to constitute a choice for one year, or until new directors are elected and qualified. The directors so elected shall from their own body choose a president, and in like manner in each and every year, the directors and president shall be chosen. Vacancies which may occur in their body between the periods of the annual elections may be filled by said directors; *Provided*, That if from any cause there should be no election, the corporation shall not be dissolved, but the directors and president then in office shall continue in office, with all the powers herein mentioned, until the election of new directors shall take place.

Directors and election of.

Stockholders may vote by proxy.

President.

Vacancies.

Proviso.

Powers of directors.

SEC. 4. *Be it further enacted*, That the said directors, or a majority of them, may make such rules and regulations, and such by-laws for the payment of stock and for all other purposes, as they may deem expedient and proper. Said company may by its directors elect and employ all other officers, such as cashier, secretary, agents, engineers, surveyors, and superintendents, and discharge them at pleasure.

Subscriptions, in what may be made.

SEC. 5. *Be it further enacted*, That subscriptions to the capital stock of said company may be made in land, labor, and materials, upon such terms as may be agreed upon by the directors and the owner or owners thereof.

May construct roads, canals, &c., or take stock in companies constructing.

SEC. 6. *Be it further enacted*, That said company shall be hereby authorized to construct such roads, canals, embankments, &c., or to take stock in companies constructing the same, as may, in the opinion of its directors, become necessary for development or improvement of its lands, and for such purposes shall be entitled to all the privileges conferred upon corporations by An Act to Provide for the Creation of Corporations, and to Prescribe their general Powers and Liabilities, approved August 8, 1868.

Succession, term of.

Liability of stockholders.

SEC. 7. *Be it further enacted*, That this company shall have succession for ninety-nine years; that the private property of the stockholders of said company shall only be liable for the debts and obligations of said company, *pro rata*, according to the amount of the capital stock owned by each stockholder; that this act shall be deemed and held a public act, and the courts of this State shall take judicial notice thereof without special pleading.

This a public act.

Approved January 25, 1870.

CHAPTER 1,795.—[No. 65.]

AN ACT setting forth Certain Restrictions on the Florida Railroad Company.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That the Florida Railroad Company is hereby required to commence operations on the construction of the road, commencing at a suitable point on their present line of road, and running southward to some point on the Gulf coast, within twelve months next succeeding the passage of this act, and to complete said road as far south as the town of Ocala, in Marion county, within two years from the date of the passage of this act. That in case of failure of said company to comply with the provisions of this act, all exclusive right of way between said road and Tampa Bay heretofore granted to said Florida Railroad Company by this State shall cease to exist.

Construction of the road to commence within twelve months.

Road to be completed to Ocala within two years.

SEC. 2. That the first section of the act, approved December 14, 1855, entitled An Act to amend An Act Incorporating the Florida Railroad Company, be, and the same is hereby, amended so as to allow the said company to extend their road to the waters of Charlotte Harbor, and the said company is hereby authorized to create a separate capital stock for the incomplete portion of their line of road, not exceeding three millions of dollars. That wherever the words "fourteen thousand" occur in sections twenty-five and twenty-six of the act approved June 24, 1869, entitled An Act to Perfect the Public Works of the State, the words "sixteen thousand" shall be substituted therefor. That all laws or parts of laws conflicting with this act are hereby repealed; *Provided*, That no general law providing for railroad organizations in general shall be affected, except in so far as they relate to the said Florida Railroad Company; *And provided also*, That nothing herein contained shall be construed as intended to disturb any vested rights of the said Florida Railroad Company; *Provided*, That no provision of this act shall be so construed as to prevent any railroad crossing or connecting with the said railroad at any point from its commencement to its terminus.

Company may extend their road to the waters of Charlotte Harbor.

State aid extended to \$16,000 per mile.

Repeal.

Proviso.

Approved February 7, 1870.

CHAPTER 1,796.—[No. 66.]

AN ACT for the Relief of Gadsden County.

WHEREAS, By an act approved December 24, 1850, entitled An Act for the Relief of Gadsden County, a loan was made out of the school fund to said county to the amount of eight thou-

Preamble.

Preamble.

sand dollars, to be applied to the erection of a court house, which amount, with the interest thereon, was to be repaid to the State or school fund in instalments, to be raised by an annual tax imposed by said act of thirty per cent. on the State tax, to be levied on the citizens of Gadsden county until said debt was paid; AND WHEREAS, under the provisions of said act, and by the authority of the State, the tax assessor and collector of Gadsden county did proceed to collect said taxes for the purpose and in the manner aforesaid, and did collect from the people of Gadsden county not only an amount sufficient to satisfy such loan with the interest thereon, but a large amount more than necessary or proper for said purpose, as is stated and believed; AND WHEREAS, the tax collector and assessor being an officer of the State, and under the control and direction of the State, the State of Florida is in equity and justice bound to refund to said county the excess of taxes collected for the purpose aforesaid; now, therefore,

Comptroller
to make exam-
ination and
state an ac-
count between
the school
fund and Gads-
den county.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: That the Comptroller shall make an examination of, and state an account between the State or school fund from which said loan was made and the county of Gadsden, stating the amount of the loan and the interest thereon; also, the amount of taxes collected from the citizens of Gadsden county, and ascertain if any excess there be of taxes collected with the interest thereon, and if it shall be ascertained that any excess of taxes as aforesaid has been collected from the citizens of Gadsden county by the collector, the Comptroller shall draw a warrant upon the Treasurer of the State for such amount, and the Treasurer shall pay the same to the said county of Gadsden; *Provided*, The statement of the account shall be approved by the Governor.

Proviso.

Notice.

SEC. 2. The Comptroller shall give at least thirty (30) days' previous notice to the county commissioners of Gadsden county of the time and place of stating the account provided for in the first section, and allow them an opportunity for the amount of taxes collected from the people of Gadsden county for the purposes aforesaid.

Approved February 19, 1870.

CHAPTER 1,797.—[No. 67.]

AN ACT for the Relief of G. Troup Maxwell.

Preamble.

WHEREAS, Doctor G. Troup Maxwell, having been employed by the sheriff of Duval county, did, in the year 1869, render surgical treatment to the following named prisoners: Abra-

ham Saunders and Thomas Dixon, then confined in the county jail of Duval county; AND WHEREAS, There is no provision made by statute for the payment of physicians for surgical operations and treatment of prisoners held in custody by the State; therefore,

Preamble.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: That the Comptroller be, and he is hereby, authorized and instructed to issue his warrant upon the Treasurer for the sum of two hundred dollars in favor of said G. Troup Maxwell, M. D., for services rendered, as above set forth in the preamble to this act, by him the said G. Troup Maxwell, M. D.

Warrant to be issued.

Approved February 16, 1870.

CHAPTER 1,798.—[No. 68.]

AN ACT for the Relief of John O. Cosby, late Sheriff of Alachua County.

WHEREAS, The county of Alachua was justly indebted to John O. Cosby, late sheriff of said county, on account of criminal prosecutions in the late county criminal court of said county, in the sum of four thousand dollars; AND WHEREAS, Said county became liable for said costs through the insolvency of the convicts in some cases, and the acquittal of others; AND WHEREAS, The people of the State of Florida, in Convention assembled, on the 24th day of February, A. D. 1868, did pass Ordinance No. 8, entitled An Ordinance abolishing County Criminal Courts, whereby they did deprive the said John O. Cosby of his rights to collect his lawful costs, and forcing him to lose the same; AND WHEREAS, The said John O. Cosby, at heavy expenses, did arrest and detain for trial in said court offenders against the law, and thereby became indebted to the State of Florida in the sum of several hundred dollars, none of which inured to his benefit, but to the public good alone; therefore,

Preamble.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That John O. Cosby, late sheriff of Alachua county, is hereby released from any further liabilities to the State of Florida, by reason of obligations incurred to the State while sheriff, on account of fines and revenue.

Release from liabilities.

SEC. 2. That the Comptroller of public accounts is hereby authorized to cancel the indebtedness of the said John O. Cosby, late sheriff, &c., upon the records in his office.

Account to be cancelled.

Became a law without the Governor's signature, February 24, 1870.

LAWS OF FLORIDA.

CHAPTER 1,799.—[No. 69.]

AN ACT for the Relief of J. L. Gaskins.

Preamble. *The people of the State of Florida, represented in Senate and Assembly, do enact as follows:* SECTION 1. That whereas, John L. Gaskins, (a minor of the age of twenty years,) of the county of Bradford, State of Florida, being possessed of real and personal estate that is now so situated as to be a source of loss instead of profit to him; *Therefore, be it enacted,* That said John L. Gaskins is hereby vested with the entire control and management of his estate, both real and personal, and the right to act as a free dealer in every respect as though he were an adult, and amenable to the laws of this State for the same.

Control and management of estate vested.

Guardian's to turn over property.

SEC. 2. That the guardian or guardians of the said John L. Gaskins be, and they are hereby, ordered to turn over to the said Gaskins, all and every the personal and real estate belonging to said Gaskins that may now be in their hands or under their control as guardian or guardians.

Approved February 16, 1870.

CHAPTER 1,800.—[No. 70.]

AN ACT for the Relief of Claiborne Bevill.

Preamble. WHEREAS, One Claiborne Bevill (a minor), residing in Sumter county, Florida, is the owner and possessor of real and personal property to a large amount; AND WHEREAS, It is represented by the father and other persons well acquainted with the said Claiborne Bevill that he is fully competent to attend to his own affairs; therefore,

Legal disabilities of minority removed.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: That said Claiborne Bevill is hereby empowered to transact business, sue and be sued in his own name, the same as he might do were he an adult, and all legal disabilities attached to the said Claiborne Bevill by reason of his minority are hereby removed.

Became a law without the Governor's signature, February 16, 1870.

CHAPTER 1,801.—[No. 71.]

A BILL to be entitled An Act to enable Silas C. Barker, Captain of the State Penitentiary, to receive his Salary.

Warrant to be issued from *The people of the State of Florida, represented in Senate and Assembly, do enact as follows:* That the Comptroller shall issue and deliver to Silas C. Barker his warrant on the State Treasury

for the full amount of his salary, as captain of the prison guard of the State Penitentiary, from the date of his commission as such officer to the close of the present session of the Legislature, and the Treasurer shall pay the same out of any funds not otherwise appropriated; *Provided*, That if any person is nominated for this office and confirmed thereto by the Senate the said Silas C. Barker shall not, by virtue of this act, receive pay beyond the date of such confirmation.

date of commission.

Proviso.

Passed over the Governor's veto, February 18, 1870.

CHAPTER 1,802.—[No. 72.]

AN ACT to admit Knox Livingston to Practice Law in the several Courts of this State, the said Knox Livingston not being of age.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That Knox Livingston shall be admitted to practice as an attorney and counsellor at law, solicitor in the several courts of law and equity in this State; *Provided*, If he should be found qualified according to the manner and form now prescribed by law.

Admission to practice law.

Proviso.

SEC. 2. *Be it further enacted*, That the said Knox Livingston shall be legally responsible and liable for his acts in the capacity of attorney, counsellor, and solicitor as though he had attained the age of twenty-one years.

Liable for acts.

Approved February 11, 1870.

CHAPTER 1,803.—[No. 73.]

AN ACT for the Relief of William H. Holden.

WHEREAS, The Senate in the first session of the Fifteenth Legislature adopted the following resolution: "*Resolved*, That the sum of one hundred dollars is hereby authorized and directed to be paid to William H. Holden, and ninety-five dollars to John Wyatt, as indemnification for actual expenses in contesting the seats of Senators Ginn and Crawford, and that the committee of legislative expenditures shall take cognizance of the same;" AND WHEREAS, The sum of one hundred dollars was appropriated to payment of William H. Holden in the general appropriation bill, which became a law February 6, 1869, but said payment was not made by the Comptroller on the ground that no special act was passed by the Legislature authorizing the same to be paid; therefore,

Preamble.

Warrant for one hundred dollars to be issued.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: That the Comptroller is hereby authorized and directed to issue his warrant to William H. Holden, or his legal representative, for the sum of one hundred dollars, as specified in the preamble to this act.

Approved February 17, 1870.

CHAPTER 1,804.—[No. 74.]

AN ACT for the Relief of John Wyatt.

Preamble.

WHEREAS, The Senate in the first session of the Fifteenth Legislature adopted the following resolution: “*Resolved*, That the sum of one hundred dollars is hereby authorized and directed to be paid to William H. Holden, and ninety-five dollars to John Wyatt, as indemnification for actual expenses incurred in contesting the seats of Senators Ginn and Crawford, and that the committee of legislative expenditures shall take cognizance of the same;” AND WHEREAS, The sum of ninety-five dollars was appropriated for payment of John Wyatt in the general appropriation bill, which became a law February 6, 1869, but said payment was not made by the Comptroller on the ground that no special act was passed by the Legislature authorizing the same to be paid; therefore,

Warrant for ninety-five dollars to be issued.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: That the Comptroller is hereby authorized and directed to issue his warrant to John Wyatt, or his legal representative, for the sum of ninety-five dollars, as specified in the preamble of this act.

Approved February 17, 1870.

CHAPTER 1,805.—[No. 75.]

AN ACT for the Relief of Harry C. Campbell, Sheriff of Escambia County.

Preamble.

WHEREAS, Certain State scrip to the amount of eleven hundred (1,100) dollars was collected for license taxes in Escambia county for the year 1869, by Harry C. Campbell, sheriff of said county; AND WHEREAS, Satisfactory and sufficient proof has been exhibited that said scrip was stolen in the city of Jacksonville on the 3d day of May, A. D., 1869, out of the possession of George E. Wentworth, who was carrying the same to the State Treasurer, and afterwards destroyed by the person who stole the same, who was tried, convicted, and

sentenced therefor, at a term of the circuit court for Duval county, held at an adjourned term of said court in May, A. D., 1869; therefore;

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That the Comptroller be, and he is hereby, authorized and directed to issue his warrant in favor of Harry C. Campbell, sheriff of Escambia county, for the sum of eleven hundred dollars, to re-imburse him for the loss of said scrip so paid to him for license taxes in Escambia county.

Preamble.
Warrant for eleven hundred dollars to be issued.

Approved February 19, 1870.

CHAPTER 1,806.—[No. 76.]

AN ACT to Compensate George J. Arnow, late Solicitor of the Suwannee Circuit, for Extra Services.

WHEREAS, George J. Arnow, Solicitor of the Suwannee Circuit, under an order of the Hon. Thomas T. Long, judge of the said circuit, and in obedience to instructions received from his excellency David S. Walker, late Governor of Florida, under date of November 26, A. D. 1866, did investigate the facts in the homicide of James Mangan, in the county of Levy, in said circuit, and report the same in writing to the said Governor, the said service being performed out of term time and not in the line of his duty, at great labor and expense, and he has not been compensated for the same; therefore,

Preamble.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: That the Comptroller of public accounts is hereby authorized to allow, and the Treasurer of the State to pay, to George J. Arnow, late Solicitor of the Suwannee Circuit, the sum of one hundred dollars for such extra service.

One hundred dollars to be paid by the State.

Approved February 24, 1870.

CHAPTER 1,807.—[No. 77.]

A BILL to be entitled An Act for the Relief of George J. Arnow, late Solicitor of the Suwannee Circuit of Florida.

WHEREAS, Suit was instituted in the circuit court of Alachua county, during the year 1862, in behalf of the State of Florida, plaintiff, and against David A. Frier, tax collector of Alachua county, and the securities on his official bond, defendant, by the solicitor of the State for the Suwannee circuit courts, and

Preamble.

Preamble.

prosecuted to judgment at the spring term, A. D. 1866, of said court by George J. Arnow, then solicitor; AND WHEREAS, Said defendant appealed to the Supreme Court of said State to set aside said judgment, which, after a hearing in said court at February term, 1867, was refused, and the judgment of the court below affirmed, upon which execution issued from said circuit court, a levy was made, and the property of said defendant was advertised for sale in terms of the law; AND WHEREAS, The military commander of the District of Florida, by special order No. —, issued from his headquarters, directed to the sheriff of said State, forbade the sale of any property to satisfy executions, by reason of which said sale was postponed; and said special order not being revoked, Ordinance No. 4 was passed, February 21, 1868, by a convention of the people of Florida, rendering the judgment of said court null and void; therefore,

Percentage allowed.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: That the Comptroller of Public Accounts is hereby authorized to allow, and the State Treasurer to pay, to George J. Arnow the percentage allowed by law on six thousand and fifty-nine dollars and eighty-three cents, the amount of the judgment in said cause to which he would have been entitled if the same had been collected and paid into the Treasury of said State.

Became a law without the Governor's signature, February 3, 1870.

CHAPTER 1,808.—[No. 78.]

AN ACT for the Relief of the Children of the late Dr. John L. Finlayson.

Three hundred dollars to be paid per annum to each of the children of the late Dr. John L. Finlayson.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That the Treasurer of the State be, and he is hereby, authorized and required to pay to Sallie Finlayson and John P. Finlayson, orphan children of the late Dr. John L. Finlayson, the sum of three hundred dollars each per annum for the term of ten years, the same to be paid semi-annually on the order of the legal guardian of said children.

Approved February 19, 1870.

CHAPTER 1,809.—[No. 79.]

AN ACT for the Relief of A. F. Avery.

Preamble.

WHEREAS, On the sixth of November, 1868, the President of the Senate authorized and directed James Stephenson, Sergeant-at-Arms, to bring the Senator of the Seventh Senatorial District

before the bar of the Senate; AND WHEREAS, The said Sergeant-at-Arms appointed A. F. Avery, a citizen of Leon county, as his deputy, who promptly executed the said order; therefore,

Preamble.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: That the Comptroller be directed to audit, and the Treasurer to pay, the sum of ten dollars to the said A. F. Avery.

Ten dollars to be paid by the State.

Approved February 9, 1870.

CHAPTER 1,810.—[No. 80.]

AN ACT for the Relief of Robert Wilkerson, late Sheriff of Polk County.

WHEREAS, Robert Wilkerson, late sheriff of Polk county, Florida, stands charged in the office of the Comptroller of the State of Florida with three hundred dollars on account of fines and forfeitures; AND WHEREAS, The said charges were made because of a fine imposed upon James Hanson and Sarah Stern, who were convicted of adultery and committed to custody until the fine was paid; AND WHEREAS, The said Sheriff was unable to collect the fines out of said parties, and the said parties having escaped from the custody of the said sheriff without any fine having been collected; therefore,

Preamble.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That the Comptroller of public accounts be, and he is hereby, authorized and required to allow a credit of three hundred dollars to Robert Wilkerson, late sheriff of Polk county.

A credit of three hundred dollars allowed.

Approved February 19, 1870.

CHAPTER 1,811.—[No. 81.]

AN ACT for the Relief of D. L. McKinnon.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That the Comptroller be, and he is hereby, authorized to issue his warrant against the Treasurer of the State in favor of D. L. McKinnon, for the sum of one hundred and twenty-five dollars and forty-four cents, being the amount, principal and interest, paid to the register of public lands for this State in the year 1858, for the following land, to wit: Lot No. 2 of Section 31, in township ten, south of range 27, east, which, subsequent to the purchase, proved to belong to the United States. That before said warrant shall issue the Comp-

Warrant for the sum of one hundred and twenty-five dollars and forty cents to be issued.

troller shall demand of the said D. L. McKinnon the certificate of said purchase, and shall write across its face the amount of said warrant and the date of the law under which it was issued.

Repeal.

SEC. 2. That all laws and parts of laws inconsistent with this act be, and the same are hereby, repealed.

Approved February 18, 1870.

CHAPTER 1,812.—[No. 82.]

AN ACT to authorize Robert G. Strange, a Minor, to take Charge of and Control his Estate.

Control of estate authorized.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. That Robert G. Strange, a minor, be authorized to take charge of and control his estate as fully and legally as if he was of age.

Legal liability created.

SEC. 2. *Be it further enacted*, That the said Robert G. Strange, in the exercise of the provisions of this act, be held legally liable for all his acts, in the same manner and to the same extent as if he had attained the age of twenty-one years.

Became a law without the Governor's signature, February 17, 1870.

CHAPTER 1,813.—[No. 83.]

AN ACT authorizing James H. King, of Hamilton County, a Minor, to take Charge of and Control his Estate.

Control of estate authorized.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: SECTION 1. *Be it enacted*, That James H. King, a minor, be, and he is hereby, authorized to take charge of and control his estate in the same manner and as legally as if he had arrived at the age of twenty-one years.

Legal liability created

SEC. 2. *Be it further enacted*, That the said James H. King, in the exercise of the provisions of the first section of this act, be held legally responsible for his acts and doings as if he had attained his majority.

Approved February 17, 1870.

CHAPTER 1,814.—[No. 84.]

AN ACT making Appropriations for the Payment of Members, Officers, and Attaches, and other Expenses of the Legislature at its Regular Session, begun and held January 4, 1870, and the Expenses of the State Government of the State of Florida for the fiscal year ending December 31, A. D. 1870.

Sums appropriated.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows: That the following sums be, and the same are hereby, appropriated for the following purposes,

and for the payment of the following expenses of the regular session of the Legislature of Florida, convened January 4, A. D. 1870: Sums appropriated.

For J. A. Atkins, senator, for salary five hundred dollars, for mileage twenty-one dollars and sixty cents; Wm. Bradwell, senator, for salary five hundred dollars, for mileage thirty-five dollars and twenty cents; H. A. Crane, senator, for salary five hundred dollars, for mileage one hundred and forty dollars; J. L. Crawford, senator, for salary five hundred dollars, for mileage four dollars; Harry Cruse, senator, for salary five hundred dollars, for mileage five dollars; Arthur Ginn, senator, for salary five hundred dollars, for mileage seventy-five dollars and twenty cents; John A. Henderson, senator, for salary five hundred dollars, for mileage seventy-five dollars and eighty cents; C. V. Hillyer, senator, for salary five hundred dollars, for mileage seventy-six dollars and twenty cents; Simon Katzenberg, senator, for salary five hundred dollars, for mileage twelve dollars; Wm. H. Kendrick, senator, for salary five hundred dollars, for mileage ninety-six dollars; J. N. Krimminger, senator, for salary five hundred dollars, for mileage twenty-one dollars and sixty cents; Robert Meacham, senator, for salary five hundred dollars, for mileage seven dollars and twenty cents; N. H. Moragne, senator, for salary five hundred dollars, for mileage fifty-one dollars; A. L. McCaskill, senator, for salary five hundred dollars, for mileage thirty dollars; C. H. Pearce, senator, for salary five hundred dollars; W. J. Purman, senator, for salary five hundred dollars, for mileage sixteen dollars; R. M. Smith, senator, for salary five hundred dollars, for mileage thirty-nine dollars and twenty cents; G. B. Smithson, senator, for salary five hundred dollars, for mileage twenty-one dollars and twenty cents; J. M. Underwood, senator, for salary five hundred dollars, for mileage twenty dollars; T. A. Vaughan, senator, for salary five hundred dollars, for mileage twenty-eight dollars; J. T. Walls, senator, for salary five hundred dollars, for mileage forty-four dollars and eighty cents; W. T. Weeks, senator, for salary five hundred dollars, for mileage twenty-five dollars; George E. Wentworth, senator, for salary five hundred dollars, for mileage one hundred and fifty-seven dollars and eighty cents; M. L. Stearns, member of Assembly, for salary five hundred dollars, for mileage five dollars; J. W. Butler, member of Assembly, for salary five hundred dollars, for mileage one hundred and fifty-seven dollars and eighty cents; G. W. Bogue, member of Assembly, for salary five hundred dollars, for mileage twelve dollars; G. W. Bostick, member of Assembly, for salary five hundred dollars, for mileage six dollars; W. Bradwell, member of Assembly, for salary five hundred dollars, for mileage five dollars; Amos Cheshire, member of Assembly, for salary five hundred dollars, for mileage twenty-two dollars and forty cents; Robert Cox, member of Assembly, for salary

Sums appro-
priated.

five hundred dollars ; J. A. Cruce, member of Assembly, for salary five hundred dollars, for mileage twelve dollars and sixty cents ; J. S. DeLaney, member of Assembly, for salary five hundred dollars, for mileage forty dollars ; A. Erwin, member of Assembly, for salary five hundred dollars, for mileage twenty-one dollars and twenty cents ; Frederick Filer, member of Assembly, for salary five hundred dollars, for mileage one hundred and forty dollars ; H. H. Forward, member of Assembly, for salary five hundred dollars, for mileage fifty-one dollars ; E. Fortune, member of Assembly, for salary five hundred dollars, for mileage sixteen dollars ; N. Graham, member of Assembly, for salary five hundred dollars ; Jas. D. Green, member of Assembly, for salary five hundred dollars, for mileage ninety dollars ; Thomas J. Green, member of Assembly, for salary five hundred dollars, for mileage twenty-six dollars ; G. S. Greeno, member of Assembly, for salary five hundred dollars, for mileage forty-four dollars ; H. S. Harmon, member of Assembly, for salary five hundred dollars, for mileage forty-three dollars and thirty cents ; E. J. Harris, member of Assembly, for salary five hundred dollars, for mileage seventy-six dollars and twenty cents ; Fred Hill, member of Assembly, for salary five hundred dollars, for mileage five dollars ; W. T. Hodges, member of Assembly, for salary five hundred dollars, for mileage thirty-five dollars and twenty cents ; James W. Keene, member of Assembly, for salary five hundred dollars, for mileage twenty-one dollars and eighty cents ; Josiah A. Lee, member of Assembly, for salary five hundred dollars, for mileage eighty-six dollars ; John McAuley, member of Assembly, for salary five hundred dollars, for mileage eighty-six dollars ; D. L. McKinnon, member of Assembly, for salary five hundred dollars, for mileage thirty dollars ; J. McMillan, member of Assembly, for salary five hundred dollars, for mileage sixteen dollars ; E. P. Melvin, member of Assembly, for salary five hundred dollars, for mileage twenty-six dollars ; Anthony Mills, member of Assembly, for salary five hundred dollars, for mileage seven dollars and twenty cents ; W. W. Moore, member of Assembly, for salary five hundred dollars, for mileage twenty-one dollars and twenty cents ; Charles Moore, member of Assembly, for salary five hundred dollars, for mileage seventy-six dollars and eighty cents ; F. N. B. Oliver, member of Assembly, for salary five hundred dollars, for mileage twenty-five dollars ; R. H. Black, member of Assembly, for salary five hundred dollars, for mileage forty-four dollars and eighty cents ; A. B. Osgood, member of Assembly, for salary five hundred dollars, for mileage twelve dollars ; S. J. Pearce, member of Assembly, for salary five hundred dollars, for mileage eighty dollars ; F. H. Pitman, member of Assembly, for salary five hundred dollars, for mileage one hundred and fifty-seven dollars ; S. T. Pons, member of Assembly, for salary five hundred dollars, for mileage fifty dollars ; J.

W. Powell, member of Assembly, for salary five hundred dollars, for mileage seven dollars and twenty cents; G. P. Raney, member of Assembly, for salary five hundred dollars, for mileage twenty-five dollars; Jesse Robinson, member of Assembly, for salary five hundred dollars, for mileage sixteen dollars; Washington Rogers, member of Assembly, for salary five hundred dollars, for mileage fifty-three dollars and twenty cents; J. R. Scott, member of Assembly, for salary five hundred dollars, for mileage thirty-five dollars and twenty cents; J. Simpson, member of Assembly, for salary five hundred dollars, for mileage seventy-six dollars and sixty cents; M. E. Stewart, member of Assembly, for salary five hundred dollars, for mileage eighty dollars; J. B. Stone, member of Assembly, for salary five hundred dollars, for mileage twenty-eight dollars; B. Thompson, member of Assembly, for salary five hundred dollars, for mileage seven dollars and twenty cents; Thomas Urquhart, member of Assembly, for salary five hundred dollars, for mileage eighteen dollars and sixty cents; Samuel Walker, member of Assembly, for salary five hundred dollars; W. B. Watson, member of Assembly, for salary five hundred dollars, for mileage seventy-five dollars; Richard Wells, member of Assembly, for salary five hundred dollars; W. B. White, member of Assembly, for salary five hundred dollars, for mileage forty dollars; John Varnum, member of Assembly, for salary five hundred dollars, for mileage one hundred and fifty-seven dollars; Frank Smith, member of Assembly, for salary five hundred dollars, for mileage one hundred and ten dollars; Wm. F. Bynum, chief clerk of the Assembly, per diem ten dollars, fifty days, five hundred dollars; John W. Tompkins, assistant clerk of the Assembly, per diem nine dollars, fifty days, four hundred and fifty dollars; M. H. Clay, reading clerk of the Assembly, per diem eight dollars, forty-six days, three hundred and sixty-eight dollars; A. J. T. Wright, recording clerk of the Assembly, per diem eight dollars, fifty days, four hundred dollars; J. M. Hawks, engrossing clerk of the Assembly, per diem eight dollars, forty-six days, three hundred and sixty-eight dollars; T. L. Lewis, enrolling clerk of the Assembly, per diem eight dollars, forty-six days, three hundred and sixty-eight dollars; A. C. Lightbourn, sergeant-at-arms of the Assembly, per diem eight dollars, forty-six days, three hundred and sixty-eight dollars; G. N. Floyd, assistant sergeant-at-arms of the Assembly, per diem eight dollars, forty-six days, three hundred and sixty-eight dollars; W. G. Stewart, Chaplain of the Assembly, per diem five dollars, forty-six days, two hundred and thirty dollars; John Wyatt, doorkeeper of the Assembly, per diem six dollars, forty-six days, two hundred and seventy-six dollars; B. Niblack, page of the Assembly, per diem three dollars, forty-six days, one hundred and thirty-eight dollars; Henry Cox, page of the Assembly, per diem three

Sums appropriated.

Sums appro-
priated.

dollars, forty-six days, one hundred and thirty-eight dollars; Harry Hawkins, janitor of the Assembly, per diem three dollars, forty-six days, one hundred and thirty-eight dollars; P. L. DeCoursey, page of the Assembly, per diem three dollars, forty-six days, one hundred and thirty-eight dollars; G. J. Arnow, committee clerk of the Assembly, per diem eight dollars, eighteen days, one hundred and forty-four dollars; A. W. Wood, committee clerk of the Assembly, per diem eight dollars, eighteen days, one hundred and forty-four dollars; J. P. Crichlow, for stationery for the use of the Assembly, three hundred and eighty-one dollars; S. L. Tibbitts, for stationery for the use of the Assembly, four hundred and fifty dollars; John McDougall, for stationery for use of the Assembly, fifty-six dollars; Thomas Harley, carpenter, for repairs sixty-six dollars; R. W. Williams, for candles for Assembly, twenty-four dollars; H. Levy, for candles for Assembly, twelve dollars; Solomon Hunter, for wood for Legislature, sixty-four dollars; Jordan Anderson, for cutting wood, sixteen dollars; Lewis Wilson, carpenter, five dollars; M. Martin, for expenses as witness before investigating committee, seventy-six dollars. For Charles Mundee, secretary of the Senate, per diem ten dollars, fifty days, five hundred dollars; James H. Bull, assistant secretary of the Senate, per diem nine dollars, fifty days, four hundred and fifty dollars; J. C. Gambia, reading clerk of the Senate, per diem eight dollars, forty-six days, three hundred and sixty-eight dollars; James Stephenson, sergeant-at-arms of the Senate, per diem eight dollars, forty-six days, three hundred and sixty-eight dollars; W. P. Cassius, assistant sergeant-at-arms of Senate, per diem eight dollars, forty-six days, three hundred and sixty-eight dollars; William Thomas, doorkeeper of Senate, per diem six dollars, forty-six days, two hundred and seventy-six dollars; James Page, Chaplain of Senate, per diem five dollars, forty-six days, two hundred and thirty dollars; L. Burkhim, page of the Senate, per diem three dollars, forty-six days, one hundred and thirty-eight dollars; T. Fortune, page of Senate, per diem three dollars, forty-six days, one hundred and thirty-eight dollars; A. J. Weeks, enrolling clerk of the Senate, per diem eight dollars, forty-six days, three hundred and sixty-eight dollars; J. P. Mahoney, engrossing clerk, per diem eight dollars, forty-six days, three hundred and sixty-eight dollars; John McDougall, for stationery for Senate, two hundred dollars; George W. Edmondson, carpenter, for repairs thirty-eight dollars; J. P. Crichlow, for stationery for Senate, four hundred and fifty dollars; George Damon, for furniture for Senate Chamber, sixty dollars; S. L. Tibbitts, for stationery for Senate, fifty dollars. For printing journals, bills, and other miscellaneous matter ordered by either House at the present session, fourteen thousand dollars. For salaries of Executive Department, thirty-one thousand five hundred dollars; salaries of justices of

the Supreme Court and judges of the circuit courts, thirty-seven thousand dollars; contingent expenses of the Supreme Court, one thousand dollars; contingent expenses of the circuit court, two thousand dollars; pay of jurors and witnesses, twenty thousand dollars; contingent fund of State, ten thousand dollars; criminal prosecutions, twenty-five thousand dollars; post mortem examinations, two thousand dollars; maintenance of lunatics, three thousand dollars; general printing, advertising, and publishing, to be audited by the Comptroller, twenty thousand dollars; expenses of penitentiary, thirty thousand dollars; pay of State's attorney, ten thousand dollars; claims that may be allowed by the Legislature, six thousand dollars; printing Digest of Laws and Code of Practice, ten thousand dollars, to be audited by the Comptroller; printing the laws of the present session of the Legislature, excepting the Code, to be audited by the Comptroller, five thousand dollars; for militia when called into actual service, ten thousand dollars; for clerk of the Supreme Court as librarian, five hundred dollars; for repairs of Capitol, five thousand dollars, to be expended under the direction of the Adjutant-General, as well as all unexpended appropriations for that purpose; Wm. H. Gleason, for expenses incurred in defending the prosecution of the State, two thousand dollars; contingent fund for Governor, five thousand dollars; to the secretary of the Senate for enrolling the Code and other extra enrolling, six hundred dollars, to be audited by the Comptroller at thirty cents per folio; to the secretary of the Senate for recording Senate journal, five hundred dollars; James J. Yokum, for furnishing and ruling enrolling paper, twenty-eight dollars; to Harrison Reed, Governor, for expenses incurred in defense against impeachment, two thousand dollars; to the Surveyor-General for correcting, completing, and binding township maps according to law, twelve hundred dollars in current money, or its equivalent in scrip, to be audited by the Comptroller; to the clerk of the Secretary of the State, twelve hundred dollars; to the clerk of the Comptroller, twelve hundred dollars; to Henry Hazen, committee clerk of Senate, two hundred dollars; Robert M. Smith, for preparing Code of Practice, five hundred dollars.

Sums appropriated.

Approved February 19, 1870.

RESOLUTIONS.

[No. 1.]

ASSEMBLY JOINT RESOLUTION proposing Amendments to the State Constitution.

Resolved by the Senate and Assembly of the State of Florida,
That the following amendments to the Constitution of said State be, and the same are hereby, proposed and agreed to, "and shall be numbered respectively, and submitted to the people separately:"

ARTICLE I.

The salary of the Governor of the State shall be three thousand five hundred dollars per annum; that of each Justice of the Supreme Court shall be three thousand dollars; that of each Judge of the Circuit Courts shall be two thousand five hundred dollars; that of each Cabinet officer shall be two thousand dollars; that of the Lieutenant-Governor shall be five hundred dollars, and he shall receive the same mileage as members of the Legislature. The pay of members of the Legislature shall be a per diem, to be fixed by law, for each day's actual attendance, and in addition thereto ten cents per mile for travelling expenses for each mile from their respective places of residence to the Capital, estimated by the shortest thoroughfare, and the same to return. All other officers of the State shall be paid by fees or per diem, fixed by law. No Legislature shall increase its own pay.

Salaries of the Governor, Justices of the Supreme Court, judges of the circuit courts, and cabinet officers.

Pay of members of the legislature.

ARTICLE II.

The several members of the Cabinet of administrative officers shall be elected by the people.

Members of the cabinet to be elected.

ARTICLE III.

The Sixth and Seventh Judicial Districts are hereby abolished, and the limits of the First, Second, Third, Fourth, and Fifth Judicial Districts shall be defined by law.

Sixth and seventh judicial districts abolished.

ARTICLE IV.

The offices of Surveyor-General and Commissioner of Immigration are hereby consolidated under the name of Commissioner of Lands and Immigration.

Offices of Surveyor-General and Commissioner of Immigration consolidated.

LAWS OF FLORIDA.

ARTICLE V.

Repeal. The thirteenth section of the Sixth Article of the Constitution is hereby abrogated.

ARTICLE VI.

Repeal. The third, fifth, and twenty-seventh sections of the Sixteenth Article of the Constitution are hereby abrogated.

ARTICLE VII.

Terms of Supreme Court. The number of terms of the Supreme Court, and the time of holding the same, shall be fixed by law.

ARTICLE VIII.

Judge of circuit court may be called into the Supreme Court. The Legislature shall have power to prescribe regulations for calling into the Supreme Court a judge of the circuit court, to hear and determine any matter pending before the court, in the place of any justice thereof who shall be disqualified or disabled in such case from interest or other cause.

ARTICLE IX.

That the following portion of section nine, Article XVI, of the Constitution, is hereby abrogated:

Repeal. "Any officer when impeached by the Assembly shall be deemed under arrest, and shall be disqualified from performing any of the duties of his office until acquitted by the Senate; but any officer so impeached and in arrest may demand his trial by the Senate within one year from the date of his impeachment."

Adopted February 12, 1870.

[No. 2.]

JOINT RESOLUTION.

Preamble. WHEREAS, There is unsettled and unadjusted claims existing between the different departments of the General Government and the State of Florida, to wit: In relation to the five per cent. fund, and claims growing out of the Indian war, and the different grants of land made to the State of Florida for school, seminary, drainage, and internal improvement purposes; therefore,

Agent to adjust claims. *Be it resolved by the Senate, the Assembly concurring,* That the Governor is hereby authorized and empowered to appoint an agent to settle and adjust all claims existing between the General Government and the State of Florida, and to pay the expenses thereof out of the general contingent fund.

Approved February 19, 1870.

[No. 3.]

JOINT RESOLUTION to provide for the Payment of C. E. Dyke for Printing the Majority and Minority Reports, and the Evidence submitted by the Committee of Investigation into the Acts and Doings of Governor Reed.

Resolved by the Assembly of the State of Florida, the Senate concurring, That C. E. Dyke, printer of the majority and minority reports, and the evidence accompanying the same, submitted by the Committee of Investigation into the acts and doings of Governor Reed, be allowed compensation for said printing at the same rate as that paid to the State Printer for similar work, the Comptroller to audit the account.

Pay for printing reports.

Approved February 19, 1870.

[No. 4.]

JOINT RESOLUTION of the Senate and Assembly, for the relief of Frederica Glass.

WHEREAS, At the Fall Term of the Circuit Court for the Sixth Judicial Circuit, of Monroe county, of 1867, one Frederica Glass was indicted by the grand jury for adultery; AND WHEREAS, She has ever since that time lived a respectable and irreproachable life; AND WHEREAS, The said Frederica Glass has since become nearly or quite blind, and has spent most if not all her property in employing counsel to defend her, and that she is now living with her husband, and that the people of Key West think that the ends of justice have been accomplished without further proceeding at law against her; therefore,

Preamble.

Be it resolved by the Senate and Assembly convened, As the sense of this General Assembly, that no prosecution should be any longer persisted in, when the same assumes the form of persecution, and request the State Attorney to dismiss the proceedings pending in the case.

Request to dismiss proceedings.

Adopted February 8, 1870.

[No. 5.]

JOINT RESOLUTION in reference to Public Lands.

WHEREAS, Much damage to the interest of the State and of individuals has resulted from delay in the confirmation of grants of land made to the State, by various acts of Congress; therefore,

Preamble.

Be it resolved by the people of the State of Florida, represented in Senate and Assembly, That our Senators and Representative in Congress be, and they are hereby, requested to take such measures as may be necessary to secure the conveyance to the State of lands already selected, and hereafter to be selected, under acts of Congress granting lands to the State.

Request to secure conveyance of lands to the State.

Approved February 1, 1870.

[No. 6.]

JOINT RESOLUTION in reference to the Establishment of a Mail Route from Starke in Bradford county, to Lake City, Columbia county, Florida.

Resolved by the Senate and Assembly of the State of Florida, That the Senators and Representative in United States Congress from Florida, be requested to procure the establishment of a Mail Route from Starke in Bradford county to Lake City in Columbia county, via Lake Butler in Bradford county; and that the Secretary of State forward a copy of this Resolution to our Senators and Representative in Congress.

Mail from Starke to Lake City.

Approved February 1, 1870.

[No. 7.]

JOINT RESOLUTION relative to Establishing Post Routes and giving Mail facilities to the County of Calhoun.

Resolved by the Senate, and by the concurrence of the Assembly, That our Senators and Representative in Congress, be earnestly requested to cause mail facilities to be extended to the people of Calhoun county in this State, there being a population of over two thousand souls, who are entirely without mail facilities; and that they do use their best efforts to establish a post route from Iota, on the Apalachicola river, to Abe Springs, the county site of Calhoun county, a distance of nineteen miles; also, a post route from Ocheese to Marianna, Jackson county, Florida; and that said mail service be made to connect with the mail boats running the Apalachicola river.

Mail to Calhoun county, from Iota to Abe Springs, and from Ocheese to Marianna.

Secretary of State to forward copies.

Resolved further, That the Secretary of State is requested to forward these resolutions to our Senators and Representative in Congress, also urging the adoption of the same.

Adopted February 18, 1870.

[No. 8.]

JOINT RESOLUTION.

Resolved by the Senate, the Assembly concurring, That one hundred copies of the report of the Comptroller and Treasurer are hereby directed to be printed in pamphlet form for the use of these offices.

Reports.

Passed February 3, 1870.

[No. 9.]

JOINT RESOLUTION relative to Mail Routes in this State.

The people of the State of Florida, represented in Senate and Assembly, do resolve as follows: SECTION 1. That the Senators and Representative in the Congress of the United States, from the State of Florida, be, and they are hereby, requested to procure the establishment of the following mail routes, viz.:

Mail route from Lake City, in Columbia county, to Waldo, in the county of Alachua, with post-offices at Providence and Harneyville, in Bradford county, State of Florida. Also, a mail route from Sopchoppy, in the county of Wakulla, to the residence of Henry Anderson, Esq., on the Ocklockonee, in the same county, and that post-offices be established at Sopchoppy and at the residence of Henry Anderson, Esq.

Mail from Lake City, and from Sopchoppy to residence of Henry Anderson, Esq.

SECTION 2. That the Secretary of State be, and he is hereby, instructed to forward a copy of these resolutions to each of our Representatives in the Congress of the United States.

Secretary of State to forward copies.

Adopted February 17, 1870.

[No. 10.]

JOINT RESOLUTION relative to Establishing a Postal Route from Palatka to Dunn's Lake.

Resolved by the Senate, the Assembly concurring, That our Senators and Representative in Congress be, and they are hereby, requested, and the authorities of the United States are respectfully petitioned, to cause a mail service and postal route to be established between the city of Palatka, in Putnam county, and Dunn's Lake in said county, a distance of twenty-five miles. The large immigration that has settled at Dunn's Lake, and

Mail from Palatka to Dunn's Lake.

the rapid settlement of that place, makes this mail service of great importance to the wants of a large number of people.

Secretary of
State to for-
ward copies.

Resolved further, That the Secretary of State is requested to take the necessary means to have the above resolution forwarded in suitable manner to the proper authorities.

Adopted February 15, 1870.

[No. 11.]

JOINT RESOLUTION authorizing Abraham Slager to Establish the business of Pawnbroker.

Business of
Pawnbrokers
authorized.

Resolved by the Senate and Assembly of the State of Florida, in Legislature assembled : That Abraham Slager and his associates be, and they are hereby, authorized to establish and carry on the business of pawnbrokers within the limits of said State of Florida, at such places as he or they may deem most suitable for their interests.

License.

Be it further resolved, That before entering upon said business in any county in said State, it shall be the duty of said Abraham Slager, or either of his associates, to apply for and obtain a license, in the same manner as is now prescribed by law for obtaining license to retail spirituous liquors in quantities less than a quart, for which he shall pay the sum of fifty dollars to the State, and twenty-five dollars to the county for each and every branch of said business so to be licensed as aforesaid.

Approved February 19, 1870.

[No. 12.]

A JOINT RESOLUTION to Provide for the due Reference and Publication of Amendments to the State Constitution, proposed and agreed to at the present session of the Legislature.

Joint resolution
proposing
amendments
to the State
Constitution
referred.

The people of the State of Florida, represented in Senate and Assembly, do resolve as follows : That the Joint Resolution proposing and agreeing to amendments to the State Constitution, passed at the present session of the Legislature, is hereby referred to the Legislature to be chosen at the next general election, and the Secretary of the State shall cause the same to be published for three months previous to the time of said election in the official newspapers of the State.

Approved February 19, 1870.

[No. 13.]

JOINT RESOLUTION.

WHEREAS, T. B. Wells has been employed by the Assembly to assist in bringing up the enrolling of the Assembly during the present session of the Legislature; AND WHEREAS, By some inadvertency, the name of T. B. Wells was omitted in the Appropriation Bill for said services performed for the Assembly; therefore,

Preamble.

Be it resolved by the people of the State of Florida, represented in Senate and Assembly, That the Comptroller be, and is hereby, authorized to issue his warrant on the Treasurer for the sum of thirty dollars, and the Treasurer will pay the same upon said warrant aforesaid to T. B. Wells for such services performed for the Assembly as above mentioned.

Warrant to be issued and paid.

Approved February 19, 1870.

[No. 14.]

JOINT RESOLUTION Instructing the State Treasurer to Pay Warrant No. 592.

Resolved by the Senate, the Assembly concurring, That the Treasurer is hereby authorized to pay to Mrs. M. P. Perry, administratrix of the estate of M. P. Perry, deceased, warrant No. 592, issued by the Comptroller April 2d, 1867.

Paym't of warrant authorized.

Approved February 1, 1870.

[No. 15.]

JOINT RESOLUTION.

Resolved by the Senate, the Assembly concurring, That his Excellency, the Governor, be requested to extend a cordial invitation, on behalf of the people of the State, to those distinguished citizens of Cincinnati, Louisville, Nashville, and St. Louis, who are at present the honored guests of the city of Savannah, to extend their visit into the State of Florida, and accept the welcome and hospitalities of our people, behold our sunny climate, and the superior inducements for immigration and investment.

Request to extend invitati'n to visit Florida.

Adopted February 8, 1870.

LAWS OF FLORIDA.

[No. 16.]

JOINT RESOLUTION.

Reports to be
printed.

Resolved by the Senate, the Assembly concurring, That five hundred copies of the Governor's Message, together with the reports of the Comptroller and Treasurer and Superintendent of Public Schools, and all tabular statements thereto attached, be printed in pamphlet form for the use of the Executive, the members of the Legislature, and the Cabinet.

Passed January 14, 1870.

[No. 17.]

CONCURRENT RESOLUTION.

Issue of war-
rants to Wil-
liam H. Gleason,
for salary,
directed.

Resolved by the Senate, the Assembly concurring, That the Comptroller issue to William H. Gleason, warrants to the amount of the last appropriation made by the Legislature, for the salary of Lieutenant-Governor, and to continue to issue warrants to said Gleason for salary as Lieutenant-Governor, so long as he shall continue in the performance of the duties of said office.

Became a law by expiration of the Constitutional limit of five days, without the signature of the Governor, February 3, 1870.

[No. 18.]

CONCURRENT RESOLUTION for the pay of J. W. Thurman.

Warrant to be
issued.

Be it resolved by the people of the State of Florida, represented in Senate and Assembly, as follows: That J. W. Thurman, Clerk of the Senate Committee on Railroads, be and he is hereby, entitled to the sum of \$125 as compensation for his services, and that the Comptroller issue his warrant for said sum in favor of J. W. Thurman, for service aforesaid, and the sum of one hundred and twenty-five dollars be, and the same is hereby, appropriated for payment of the said J. W. Thurman, as aforesaid.

Approved February 19, 1870.

[No. 19.]

CONCURRENT RESOLUTION asking the Adjutant-General to report upon the Management of his Department.

Adjutant-Gen-
eral to report.

Resolved by the Senate of the State of Florida, the Assembly concurring, That the Adjutant-General of the State of Florida be required immediately to submit through the Gov-

ernor, to the Legislature of the State of Florida, a report of all the transactions of his department during the past year, and particularly of the condition of the State Penitentiary, the government, discipline, and management thereof, the health and moral condition of the convicts in that institution, accompanied with such suggestions and recommendations for the improvement of the Penitentiary, as in his judgment may be necessary.

Adopted February 8, 1870.

[No. 20.]

CONCURRENT RESOLUTION relative to Certain Lands about to be disposed of by the Trustees of the Internal Improvement Fund.

HEREAS, It is understood by this General Assembly that the Trustees of the Internal Improvement Fund have sold, or are about to sell, the lands in Escambia and Santa Rosa Counties for six cents per acre to the Pensacola and Louisville Railroad Company; therefore,

Preamble.

Resolved by the Assembly, the Senate concurring, That any such sale ought not to be made; that its effect is to depreciate the real estate held by the Fund; to prevent actual settlers from getting homes; to make citizens look to the liberality of a corporation instead of to the State's fostering care of her citizens; to weaken the State Government and State authorities, and strengthen a corporation; to reduce the value of State lands; and therefore, that the Trustees aforesaid ought not to make said sale to said corporation.

Sale of lands in Escambia and Santa Rosa counties by the trustees of the Int. Imp. Fund should not be made.

Adopted February 12, 1870.

MEMORIALS.

MEMORIAL TO CONGRESS for the Establishment of a Mail Route from Tampa to Fort Harrison, in the Old Tampa Neighborhood.

WHEREAS, In Hillsborough County, a community of more than one hundred families, and an aggregate population of more than three hundred people, there exists no postal facilities, and there is no nearer post office than at Tampa, a distance of thirty-five miles ; therefore,

Preamble.

Be it resolved by the people of the State of Florida, in Senate and Assembly convened : SECTION 1. That our Senators and Representative in Congress be, and they are hereby, requested to endeavor to secure the establishment of a Mail Route from Tampa to Fort Harrison, in said neighborhood.

Mail from
Tampa to Fort
Harrison.

SEC. 2. *Be it further resolved*, That the Secretary of State be required to forward a copy of the above resolution to each of our Senators and Representative in Congress.

Secretary of
State to for-
ward copies.

Adopted January 14, 1870.

MEMORIAL to the Congress of the United States Praying for the Re-opening and Re-establishing the Mail Route from New Troy, in Lafayette County, to Clearwater Harbor, in Hillsborough County, Florida, via Cedar Keys, by Water Once a Week, or as may suit Contractor, the Distance of Three Hundred Miles.

The people of the State of Florida, represented in Senate and Assembly, Would respectfully request our Senators and Representative in the Congress of the United States to use their best exertions to get the route re-established. The Secretary of State is hereby instructed to forward a copy of this Memorial to each of our Senators and our Representative in Congress.

Mail from New
Troy.

Adopted January 7, 1870.

MEMORIAL Asking for Harbor Improvements at Mosquito Inlet.

WHEREAS, The commercial and agricultural interests of a large portion of the Atlantic coast of the State of Florida would be greatly enhanced by the restoration of the Light House and buoys at Mosquito Inlet, which were destroyed many years since ; therefore,

Preamble.

Light house
and buoys.

Secretary of
State to for-
ward copies.

Be it resolved by the people of the State of Florida, represented in Senate and Assembly, as follows: 1. That our Senators and Representative in Congress are hereby requested to make application to the proper authorities to procure the above named improvements.

2. That an official copy of this memorial be forwarded by the Secretary of State to each of our Senators and Representative in Congress, and to the President of the Light House Board.

Passed January 28, 1870.

A MEMORIAL from the Legislature of the State of Florida to the Congress of the United States.

Appropriation
to make navi-
gable Holmes
Creek, asked
for.

The people of the State of Florida, represented in Senate and Assembly, Would most respectfully represent unto your honorable body that there is a creek known as Holmes Creek, in the Western part of this State, running through some very fertile lands and emptying into Chattahoochee river a short distance above its mouth, which has a capacity to float crafts of five or six feet draft, at low stage, but which is now wholly un-navigable on account of rafts of timber falling from its banks, and bars created by rafts that have sunk. Your memorialists would further represent, that in their opinion said creek could be rendered navigable with an expenditure of six or eight thousand dollars; that the making of said stream navigable would materially enhance the value of the lands in its vicinity, and eventually be a source of considerable revenue both to the State and United States. They would further show that the State, in its present financial embarrassment, is unable to make ample provisions for the clearing out of said creek; therefore, your memorialists would respectfully request that your honorable body make an appropriation of five thousand dollars to assist the State in making navigable said creek.

Request to
procure the
appropriation.

Resolved by the Assembly, the Senate concurring, That our Senators and Representative in Congress be, and they are hereby, requested to procure the appropriation above asked for at as early a day as practicable.

Secretary of
State to for-
ward copies.

Resolved further, That the Secretary of State is hereby required to send a certified copy of this memorial and resolution to each of our Senators and Representative in Congress.

Approved February 8, 1870.

MEMORIAL.

The people of the State of Florida, represented in Senate and Assembly, do resolve as follows: That our Representative and Senators in Congress be, and are hereby, requested to use their

Request for re-

best endeavors to procure the passage of a law removing the political disabilities of General Edward Hopkins, of Jacksonville, Florida, and that the Secretary of State is hereby directed to forward without delay a copy of this Memorial to our Representative and Senators at Washington, D. C.

removal of disabilities of Gen. Edward Hopkins.

Passed February 1, 1870.

MEMORIAL TO CONGRESS.

Resolved by the Senate, the Assembly concurring: That our representatives in Congress be, and they are hereby, requested to secure the extension of Postal Route No. 6,410, (now running from Ocala to Camp Izard,) from Camp Izard, Marion County, to Crystal River, Hernando County, passing over the original route, and including the original post offices.

Extension of postal route.

Adopted January 14, 1870.

INDEX

TO THE

ACTS AND RESOLUTIONS

OF THE

THIRD SESSION OF THE LEGISLATURE OF FLORIDA.

	PAGE.
ACTS AMENDED AND REPEALED—	
Act to perfect the public works of the State amended.....	9
Section 12 of An act to perfect the public works of the State repealed.....	13
Section 47 of An act concerning wills, &c., repealed.....	22
Act for the regulation of pilots and pilotage amended.....	33
Section 10 of same act repealed.....	33
Sections 1 and 2 of An act to provide for the registration of electors and the holding of elections amended.....	33
Section 31 of An act relating to jurors amended.....	36
Act for pay of State attorneys and county judges amended.....	39
Section 14 of An act for assessment and collection of revenue repealed.....	41
Act to authorize the Comptroller to pay a commission on sale of State bonds repealed.....	43
Section 3 of Act to fund the outstanding debt of the State, approved August 6, 1868, repealed.....	44
Sections 2, 3, and 4 of An act to fund the outstanding debt of the State, approved February 1, 1869, repealed.....	44
Act to enforce the law against violation of the Sabbath in Monroe county repealed.....	44
Adjutant-General required to submit his report.....	134
ADMINISTRATOR—	
Real estate may be sold on petition of.....	14, 15, 16, 17
Real estate in hands of, liable to execution.....	14
May designate property to be taken on execution.....	14
Must give bond for faithful application of proceeds of sale of real estate.....	15, 16, 17, 18, 20
May be removed for cause.....	19
Removed, must file final settlement.....	20
Not liable for default of predecessor.....	20
Proceedings to enforce settlement of removed.....	21
AGRICULTURAL COLLEGE—	
(See FLORIDA AGRICULTURAL COLLEGE.)	

AGRICULTURAL LABORERS—	PAGE
Act for the protection of.....	29
ALACHUA COUNTY—	
Act to alter and define boundary line of.....	45
APOTHECARIES—	
Must have certificate.....	37
AQUATIC AND TROPICAL PLANT PROPAGATING COMPANY—	
Act to organize.....	96
ARNOW, GEORGE J.—	
Acts to compensate and relieve.....	117
ARTISANS—	
Act granting lien to.....	39
ASSEMBLY, MEMBERS OF—	
Year of election of.....	34
ASSESSORS OF TAXES—	
Suits on bonds of, when may be settled.....	40
Fees for enrolling names of persons subject to military duty..	41
ATLANTIC AND GULF EXPRESS COMPANY—	
Act to amend An act to incorporate.....	104
ATTACHMENT—	
May issue against removed administrator, &c.....	21, 22
ATTORNEY—	
(See STATE'S ATTORNEY.)	
AVERY, A. F.—	
Act for the relief of.....	118
BAKER, SILAS C.—	
Act to enable to receive salary.....	114
BONDS—	
State, amount to be delivered to Jacksonville, Pensacola, and	
Mobile Railroad Company.....	10, 12
Administrator, &c., must give upon sale of real estate.....	15, 16, 17, 20
Curator must give.....	22
Attachment, security on, when not required.....	30
Stevedores must give.....	31
Shipping masters must give.....	38
Jacksonville and St. Augustine Railroad Company, guaranteed by	
the State.....	53
State, granted to the Gulf Steamship Company.....	60
State, granted to the Santa Rosa Railroad, Banking, and Insurance	
Company.....	63
BRADFORD COUNTY—	
Act enlarging.....	45
Commissioners of, to fix tolls for toll-bridge.....	107
BUCKI, LEVI, AND GEORGE F. DREW—	
Authorized to construct a boom.....	114
CABINET OFFICERS—	
Must notify the Governor of intention to be absent from the	
State.....	37

CAMPBELL, HARRY C.—	PAGE
Act for the relief of.....	116
CIRCUIT COURT—	
May order sale of real estate of decedents.....	14, 15, 17
May appoint commissioners to sell real estate of decedents.....	18
May inquire into commitments by county court.....	21
May establish right to lost deeds, &c., and admit copies to record.....	23
Jurors of, to be paid by the State.....	36
To be kept open for enforcement of mechanics' liens.....	39
Judges of, to certify indictments for misdemeanors to county courts.....	42
CITIES—	
Act relating to.....	41
CLAIBORNE BEVILL—	
Act for the relief of.....	114
COLLECTORS OF TAXES—	
Suits on bonds of, when may be settled.....	40
COLUMBIA COUNTY—	
Commissioners of, to fix tolls for toll-bridge.....	108
COMMISSIONERS—	
For sale of real estate of decedents, how appointed, &c.....	18, 19
County, of, to levy a tax to re-imburse the State for expenses of military, when.....	36
County, of, may fix the number of days in each term of county court for which the judge may be paid.....	40
Pilotage, of, may license stevedores.....	31
COMPTROLLER—	
Warrants of, certain, not receivable for taxes, &c.....	28
To have new warrants engraved, &c.....	28
To allow compensation due circuit court jurors.....	36
Suits against sheriffs, &c., may be settled with consent of.....	40
Warrants of, lost, how may be established.....	42
Authorized to pay a commission on sale of State bonds.....	43
Authorized to issue warrant for over payment.....	44
To audit accounts of the Trustees of the Florida Agricultural College, and issue bonds.....	47
To examine into actions of the Trustees of the Florida Agricultural College.....	49
To endorse bonds of the Jacksonville and St. Augustine Railroad Company.....	53
May foreclose lien upon, and sell the Jacksonville and St. Augustine Railroad, when.....	53
With the Governor and Treasurer to cause section of an act to incorporate the Gulf Steamship Company to be executed...	60
To state an account between the school fund and Gadsden county.....	112
Authorized to issue warrant in favor of G. Troup Maxwell.....	113
Authorized to cancel the indebtedness of John O. Cosby.....	113
Authorized to issue warrant in favor of William H. Holden.....	116

COMPTROLLER—(Continued.)		PAGE
Authorized to issue warrant in favor of John Wyatt.....		116
Authorized to issue warrant in favor of Harry C. Campbell.....		117
Authorized to issue warrant in favor of George J. Arnow.....	117, 118	
To audit an account in favor of A. F. Avery.....		119
To allow a credit to Robert Wilkerson.....		119
Authorized to issue warrant in favor of D. L. McKinnon.....		119
To audit an account in favor of C. E. Dyke.....		129
Reports of, to be printed.....	131, 134	
To issue warrant in favor of T. B. Wells.....		133
To issue warrant in favor of William H. Gleason.....		134
To issue warrant in favor of J. W. Thurman.....		134
CONSTABLES—		
Year for the election of.....		34
CONSTITUTION—		
Amendments to, proposed and referred.....	127, 132	
CONTRACTORS—		
Act granting lien in favor of.....		39
CONVEYANCES—		
(See PUBLIC CONVEYANCES.)		
CORONERS—		
Justices of the Peace made.....		36
CORPORATIONS—		
Florida Agricultural College.....		45
Jacksonville and St. Augustine Railroad Company.....		50
Great Southern Railway Company.....		54
Gulf Steamship Company.....		58
Santa Rosa Railroad, Banking, and Insurance Company.....		60
Pensacola and Barrancas Railroad Company.....		69
Monticello and Georgia Railroad Company.....		75
Upper St. Johns, Mellonville, and Tampa Railroad Company..		79
West Florida Railroad Company.....		82
Jacksonville Ferry Company.....		85
Suwannee Inland Railroad Company.....		88
Florida Telegraph Company.....		92
Palatka and Waldo Telegraph Company.....		95
Aquatic and Tropical Plant Propagating Company.....		96
Peas Creek Immigration and Agricultural Company.....		98
Jacksonville Hotel Company.....		99
Pensacola City Company.....		100
Wicklatchee River Navigation Company.....		102
Suwannee Boom Company.....		103
Atlantic and Gulf Express Company.....		104
Fire Department of the City of Tallahassee.....		106
East Florida Land Company.....		108
COUNTY COURT—		
May order sale of real estate of decedents.....	14, 15, 17	
May appoint commissioner to sell real estate of decedents.....		18
Judge of, to issue order to removed administrator, &c., to file final account.....		20

COUNTY COURT—(Continued.)	PAGE
May appoint curator.....	22
Days for holding terms of.....	34
Causes under act to provide for shipping masters to be tried in.....	38
To be kept open for the enforcement of mechanics' liens.....	39
Judges of, fees of.....	40
COSBY, JOHN O.—	
Act for the relief of.....	113
COKE, AUGUSTUS M.—	
Act to authorize to build a toll-bridge.....	107
CURATOR—	
Appointment of, &c.....	22
DECREES—	
In Chancery, how re-established.....	24
DEEDS—	
Records of, how re-established.....	23
DOWER—	
Assignment of, how re-established.....	24
DREW, GEORGE F., AND LEVI BUCKI—	
Authorized to construct a boom.....	108
DRUGGISTS AND APOTHECARIES—	
Must have a certificate.....	27
DRUGS AND MEDICINES—	
Act in relation to the sale of.....	27
EAST FLORIDA LAND COMPANY—	
Act to incorporate.....	108
ELECTION—	
General, day of holding.....	34
EXECUTION—	
In favor of agricultural laborer, when must issue.....	30
EXECUTOR—	
(See ADMINISTRATOR.)	
FELONY—	
Commissioner guilty of, when.....	18
FINLAYSON, DR. JOHN L.—	
Act for relief of the children of.....	118
FIRE DEPARTMENT OF THE CITY OF TALLAHASSEE—	
Act to incorporate.....	106
FLORIDA AGRICULTURAL COLLEGE—	
Act to establish.....	45
FLORIDA RAILROAD—	
Act setting forth certain restrictions on.....	111
FLORIDA TELEGRAPH COMPANY—	
Act to incorporate.....	92
Act to alter and amend an act to incorporate.....	93

GADSDEN COUNTY—	PAGE—
Act for the relief of.....	111
GASKIN, J. L.—	
Act for the relief of.....	114
GLASS, FREDERICA—	
Resolution for the relief of.....	129
GOVERNOR—	
To sign and deliver State bonds to the Jacksonville, Pensacola, and Mobile Railroad Co., &c.....	10, 12
May sell Jacksonville, Pensacola, and Mobile Railroad, when.	11
Year for the election of.....	34
May preserve peace and order by military force.....	36
Bonds of the State placed at disposal of.....	43
With Comptroller and Treasurer to cause section of An act to in- corporate the Gulf Steamship Company to be executed.....	60
Bonds of the State to be delivered by, to the Santa Rosa R. R., B. and I. Company, &c.....	63
May sell property of Santa Rosa Railroad, Banking, and Insu- rance Co., when	65, 68
To withdraw certain lands from entry and sale.....	66
Authorized to appoint an agent to adjust government claims...	128
Authorized to extend invitation.....	133
Message of, to be printed.....	134
GRAND JURORS—	
To make inquiry and presentment for misdemeanors.....	42
GREAT SOUTHERN RAILWAY COMPANY—	
Act to incorporate	54
GULF STEAMSHIP COMPANY—	
Act to incorporate.....	59
HOLDEN, WILLIAM H.—	
Act for the relief of.....	115
HOLMES CREEK—	
Memorial in reference to.....	138
HOPKINS, GENERAL EDWARD—	
Memorial for removal of political disabilities of.....	138
INDIGENT PERSONS—	
Act to enable to obtain credit, &c.....	30
JACKSONVILLE FERRY COMPANY—	
Act to incorporate.....	85
JACKSONVILLE HOTEL COMPANY—	
Act to incorporate.....	99
JACKSONVILLE, PENSACOLA, AND MOBILE RAILROAD CO.—	
Act amending An act incorporating.....	9 to 14
State aid to, extended.....	10, 12
When the road to be completed.....	18
JUDGMENTS—	
How re-established.....	24
JURORS—	
Circuit Court, how claims of, allowed.....	36

JUSTICES OF THE PEACE—	PAGE
To be ex-officio coroners.....	36.
JUSTICES OF THE SUPREME COURT—	
An examining committee of the Florida Agricultural College..	49
KING, JAMES H.—	
Authorized to take charge of his estate.....	120
LABORERS—	
(See AGRICULTURAL LABORERS.)	
LETTERS TESTAMENTARY—	
How re-established.....	24
LICENSES—	
Stevedores, how granted to.....	31
Shipping masters, how granted to.....	38
Limit on counties to tax for, repealed.....	41
LIEN—	
For money, &c., advanced for business, how created.....	30
LIEUTENANT-GOVERNOR—	
Year for the election of.....	34
LIGHTHOUSE AND BUOYS—	
Resolution in reference to.....	137
LIVINGSTON KNOX—	
Act to admit to practice law.....	115
MAIL ROUTES—	
Acts in reference to.....	130, 131
Resolutions in reference to.....	137, 138, 139
MAIMED PERSONS—	
Act to exempt from occupational tax.....	37
MARKS AND BRANDS—	
Records of, how re-established.....	24
MARRIAGES—	
Records of, how re-established.....	24
MAXWELL, G. TROUP—	
Act for the relief of.....	112
MAYOR AND COUNCIL—	
May make shipping regulations, &c.....	38
May license shipping masters.....	38
Jacksonville, of, duty of towards the Jacksonville Ferry Com- pany.....	86
McKINNON, D. L.—	
Act for the relief of.....	119
MECHANICS—	
Act granting liens to.....	39
MISDEMEANORS—	
To sell drugs, &c., without certificate.....	27
To refuse to execute writ of attachment, when.....	30
To remove property subject to lien, when.....	31
To act as stevedore without license.....	32

MISDEMEANORS—(Continued.)	PAGE
To deny equal rights on public conveyances.....	35
Act in relation to.....	42
MONROE COUNTY—	
Act relating to, repealed.....	44
MONTECELLO AND GEORGIA RAILROAD COMPANY—	
Act to incorporate.....	75
MORTGAGES—	
Records of, how re-established.....	23
ORDERS—	
County Court, of, how re-established.....	24
PALATKA AND WALDO TELEGRAPH COMPANY—	
Act to incorporate.....	95
PEAS CREEK IMMIGRATION AND AGRICULTURAL COMPANY—	
Act to incorporate.....	98
PENSACOLA CITY COMPANY—	
Act to incorporate.....	100
PENSACOLA AND BARRANCAS RAILROAD COMPANY—	
Act to incorporate.....	69
Act supplementary to Act to incorporate.....	72
PILOTS—	
Fees of.....	33
PUBLIC CONVEYANCES—	
Act granting equal rights on.....	35
REAL ESTATE—	
Assets in hands of administrator, &c., and liable to execution..	14
Sale of, by administrator, &c.....	14
Sale of, when personal estate is exhausted or insufficient to pay debts.....	15
Sale of, instead of personal property.....	16, 17
Sale of, to be made by commissioner.....	18
RECORDS—	
Act to establish lost or destroyed.....	23
REPRESENTATIVE IN CONGRESS—	
Year for the election of.....	34
SANTA ROSA RAILROAD, BANKING, AND INSURANCE CO.	
Act to incorporate.....	60
Act to alter and amend Act to incorporate.....	66
SENATORS, STATE—	
Year for the election of.....	34
SHERIFFS—	
Suits on bonds of, when may be settled.....	40
SHIPPING MASTERS—	
Act to provide for.....	38
SLAGER, ABRAHAM—	
Resolution authorizing to establish the business of Pawnbroker	133
STATE'S ATTORNEY—	
May settle suits against sheriffs, &c.....	40

STATE GOVERNMENT—	PAGE
Act making appropriations for expenses of.....	120
STEVEDORES—	
Act relating to.....	31
STRANGE, ROBERT G.—	
Act to authorize to take charge of his estate.....	120
SUPERINTENDENT OF PUBLIC INSTRUCTION—	
To call first meeting of the Trustees of the Florida Agricultural College.....	46
To receive annual report of Trustees of the Florida Agricultural College.....	49
Reports of, to be printed.....	134
SUPREME COURT—	
(See JUSTICES OF.)	
SUWANNEE BOOM COMPANY—	
Act to incorporate.....	103
SUWANNEE INLAND RAILROAD COMPANY—	
Act to incorporate.....	33
TAX—	
Counties to pay special, for expense of military force.....	36
Maimed persons exempt from occupational.....	37
License, on, limit on counties repealed.....	41
TAX ASSESSORS—	
(See ASSESSORS.)	
TOLL BRIDGES—	
Acts to authorize the construction of.....	107
TREASURER, STATE—	
To countersign bonds to be delivered to the Jacksonville, Pensacola, and Mobile Railroad Company.....	10
To authenticate the coupons to bonds to be delivered to the Jacksonville, Pensacola, and Mobile Railroad Company by signature.....	11
Prohibited from issuing certificates.....	28
May receive, pay out, and retire new warrants.....	29
Certificates of, lost, how re-established.....	42
With the Governor and Comptroller to cause section of act to incorporate the Gulf Steamship Company to be executed.....	60
To attest bonds to be issued to the Santa Rosa R. R., Banking, and Insurance Co.....	64
Reports of, to be printed.....	131, 134
To pay warrant to Mrs. M. P. Perry, administratrix.....	133
TRUSTEES OF THE INTERNAL IMPROVEMENT FUND—	
Not to receive certain warrants and certificates for lands.....	28
Lands granted to the Jacksonville and St. Augustine Railroad Company upon consent of.....	52
Lands granted to the Great Southern Railway Company upon consent of.....	57
When to make titles to lands to the Aquatic and Tropical Plant Propagating Company.....	97

TRUSTEES INTERNAL IMPROVEMENT FUND—(Continued.)	PAGE
To make deeds to the Peas Creek Immigrant and Agricultural Company.....	99
Resolution relating to a proposed sale of lands by.....	135
UPPER ST. JOHNS, MELLONVILLE, AND TAMPA RAILROAD COMPANY—	
Act to incorporate.....	79
VOLUSIA COUNTY—	
Act defining the boundary line of.....	45
WARRANTS, STATE—	
Act relating to.....	28
WEST FLORIDA RAILROAD COMPANY—	
Act to incorporate.....	82
WHETSTONE, GEORGE M.—	
Act to authorize to erect a dam and a toll-bridge.....	107
WICKWIHATCHEE RIVER NAVIGATION COMPANY—	
Act to incorporate.....	102
WILKERSON, ROBERT—	
Act for the relief of.....	119
WILLS—	
Lost, may be re-established.....	24
WRITS—	
Fi. fa. of, second, when original and the judgment are lost..	26
Attachment of, in favor of agricultural laborer.....	30
WYATT, JOHN—	
Act for the relief of.....	116

